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BOMBAY ACT No. II OF 1876.¹

[THE BOMBAY CITY LAND-REVENUE ACT, 1876]

[26th October 1876]

Repealed in part, by Bom. 3 of 1886 ;
" " " " Act 38 of 1920 ;
Amended by Act 16 of 1895 ;
" " Bom. 3 of 1900 ;
" " " 1 of 1910 ;
" " " 4 of 1915 ;
" " " 2 of 1919 ;
Adapted and modified by the Adaptation of Indian Laws Order in Council.
Amended by Bom. 49 of 1947 ;
" " " 9 of 1949 ;
Adapted and modified by the Adaptation of Laws Order, 1950.
Amended by Bom. 11 of 1952.
" " " 3 of 1954.
" " " 27 of 1954.
" " " 47 of 1954.

An Act to amend the Law relating to the Land-Revenue Administration of the City of Bombay.

WHEREAS it is expedient to amend the law relating to the assessment and collection of the land-revenue, to provide against encroachments upon public property, to ensure the preservation of survey-boundary-marks, and otherwise to improve the existing land-revenue administration in the City of Bombay ; It is enacted as follows :—

PART I.

PRELIMINARY.

1. This Act may be cited as "The Bombay City Land-Revenue Act, 1876". Short title.

It extends only to the City of Bombay.

Extent.

2. So much of Regulation XIX of 1827 as has not been already repealed is hereby repealed.

Regulation XIX of 1827 repealed.

All references made in any Act or Regulation to any part of the said Regulation XIX of 1827 hereby repealed shall be read as if made to the corresponding portion of this Act.

And all rules prescribed, appointments made, powers conferred, orders issued, and notifications published under the said Regulation, and all other rules (if any) now in force and relating to any of the matters hereinafter dealt with, shall (so far as they are consistent with this Act) be deemed to have been respectively prescribed, made, conferred, issued and published hereunder.

And all proceedings now pending which have been commenced under any part of the said Regulation XIX of 1827 hereby repealed shall be deemed to have been commenced under this Act, and shall hereafter be conducted in accordance with the provisions of this Act.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1875, Pt. V. p. 89 ; *ibid*, 1876, p. 201 ; for Report of the Select Committee, see *ibid*, 1875, p. 132 and for Proceedings in Council, see *ibid*, 1875, p. 103, and *ibid*, 1876, pp. 144, 168, 185 and 211.

Interpre-
tion clause.

3. In this Act, unless there be something repugnant in the subject or context—

¹[(1) "Collector" or "Collector of Bombay" means the Collector of Land-revenue, Customs and Opium, Bombay, or such officer as ²[the ³[State] Government conformably to law may appoint in this behalf ⁴[and, except in section 4, includes any Additional Collector] ;]

(2) the words "land-revenue" signify any sum of money legally claimable by ²[the ³[State] Government] from any person on account of any land, or interest in or right exercisable over, land held by or vested in him, under whatever designation such sum may be payable ;

(3) the words "survey-boundary-mark" mean, primarily, any iron or other mark set up by the officers who conducted the Bombay City-Survey hereinafter described and include any such new mark that may hereafter be set up by the Collector or under his orders, according to the provisions of this Act.

⁵[(4) "superior holder" means the person having the highest title under ²[the ³[State] Government] to any land in the City of Bombay ;]

⁶[(5) "Additional Collector" means an Additional Collector appointed under section 5-A].

PART II.

THE COLLECTOR OF BOMBAY AND HIS SUBORDINATES.

Chief control
in revenue
matters.

4. The chief controlling authority in all matters connected with the land revenue is vested in the Collector of Bombay, subject to the ⁷[³[State] Government].

Appointment
and duties
of the
Collector of
Bombay.

5. The Collector of Bombay shall be appointed by the ⁷[³[State] Government] and shall exercise the powers and discharge the duties conferred and imposed on him by this Act, or by any other law for the time being in force, and, so far as is consistent therewith, all such other powers or duties as may from time to time be prescribed by the ⁷[³[State] Government].

Appointment,
powers and
duties of
Additional
Collector.

⁸[5-A. (1) The State Government may appoint an Additional Collector and such Additional Collector shall be competent to exercise such powers and discharge such duties conferred and imposed on the Collector by or under this Act or any other law for the time being in force as the State Government or the Collector under sub-section (2) or (3) may direct him to exercise or discharge.

¹ The original clause (1) of s. 3 was repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886). The present clause was inserted by the Bombay City Land-Revenue (Amendment) Act, 1900 (Bom. 3 of 1900), s. 1.

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁴ These words were inserted by Bom. 3 of 1954, s. 2 (1).

⁵ Clause (4) of s. 3 was substituted by the Bombay City Land-Revenue (Amendment) Act, 1900 (Bom. 3 of 1900), s. 1.

⁶ This clause was added by Bom. 3 of 1954, s. 2 (2).

⁷ The words "Provincial Government" were substituted for the words "Government in Council" by the Adaptation of Indian Laws Order in Council.

⁸ Section 5-A was inserted by Bom. 3 of 1954, s. 13.

¹[Provided that such imprisonment shall cease at any time upon payment of the sum due and that it shall in no case exceed—

- (i) a period of six months when the sum due is more than fifty rupees ; and
- (ii) a period of six weeks in any other case.

²[13A. (1) Notwithstanding anything contained in section 13, where any immovable property has been sold under section 13, any person either owning such property or holding an interest therein by virtue of a title acquired before such sale may within thirty days of such sale apply to the Collector to have the sale set aside, on his depositing with the Collector the amount of the revenue due together with the costs of attachment and sale of such property less any amount which may since the date of attachment of such property have been received by the Collector from the defaulter.

Application to set aside sale of property deposited with Collector

(2) Where such an application is allowed, the Collector shall make an order setting aside the sale :

Provided that no such order shall be made unless notice of the application has been given to all persons affected thereby.

(3) Where the sale of any immovable property is set aside under sub-section (2) the purchaser shall be entitled to repayment of his purchase money with interest.]

V of 1908.

³[13B. (1) All such property as is by the Code of Civil Procedure, 1908, exempted from attachment and sale in execution of a decree, shall also be exempt from attachment and sale under section 13.

Exemption from attachment Sale

(2) The Collector's decision as to what property is so entitled to exemption shall be conclusive.]

⁴[14. The Collector's decision upon any question arising out of the provisions of sections 8 to 13 shall, subject to the provisions of section 17, be binding upon all persons whom it may concern, and shall be acted upon accordingly ; but the Collector's decision shall be stayed on any such person giving security to the satisfaction of the Collector that he will, within thirty days from the date when such decision was made known to him, make an appeal before the Bombay Revenue Tribunal for the purpose of contesting the legality of the Collector's decision and will fulfil the order that may be passed against him, and will pay all costs and interest which may be so ordered or that, if he fails to file an appeal as above specified, he will, when required, pay the amount demanded.

Collector's decision to be acted in first instance but may be stayed on security of appellant

15. All compulsory process against a defaulter shall cease on his paying or tendering the amount demanded of him under protest to the officer executing such process or on his filing an appeal before the Bombay Revenue Tribunal to contest the legality of the demand and furnishing security satisfactory to the Collector or the Bombay Revenue Tribunal that he will pending the decision of the said appeal neither quit the jurisdiction nor remove nor transfer his property therein, without providing to the satisfaction of the Collector or of the Bombay Revenue Tribunal for the execution of the order passed in appeal.]

Compulsory process to cease on payment under protest and furnishing security

16. Fees shall be payable according to the table in the Schedule A * * * on all warrants issued under the provisions of section 13 * * * or the attachment and sale of the property of defaulters by the person in respect of whose property such warrants are issued, and an additional fee of four annas per diem shall be paid in like manner in respect of each peon employed, whenever the property distrained is placed in charge of any peon or peons.

Fees in respect of warrants for attachment and sale of defaulter's property. Additional fee.

¹ This proviso was substituted for the original by Bom. 47 of 1954, s. 2.

² Section 13A was inserted by Bom. 49 of 1947, s. 3.

³ Section 13B was inserted by Bom. 11 of 1952, s. 2.

⁴ Sections 14 and 15 were substituted for the original by Bom. 27 of 1954, s. 2.

⁵ The words " hereunto annexed " and " of this Act " were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[PART IV.]

THE BOMBAY REVENUE TRIBUNAL.

Appeals
before
Bombay
Revenue
Tribunal.

17. (1) An appeal shall lie from any decision or order passed by the Collector or any of his assistants or other subordinates exercising the powers of the Collector under this Act to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939. Bom.
XII
of
1939.

(2) Every such appeal before the Bombay Revenue Tribunal shall be filed within a period of thirty days from the date when the decision of the Collector or his assistant or other subordinate was made known to the appellant. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal. IX of
1908.

(3) In deciding an appeal under sub-section (1), the Bombay Revenue Tribunal shall exercise all the powers which a court has and follow the same procedure which a court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908. V of
1908.

(4) The order of the Bombay Revenue Tribunal in any such appeal shall, if it be against the Collector be fulfilled by the Collector. If it be against the appellant it may be enforced by the Collector under section 13 as an established revenue demand.

Court-fees.

18. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal before the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed by rules made under this Act. VII of
1870.

PART V.

THE BOMBAY CITY-SURVEY AND BOUNDARY-MARKS.

Bombay
City-survey
recognized.

19. ²[The latest survey completed under the authority of ³the ⁴[State] Government]] shall be called "the Bombay City-survey"; and the demarcation of lands then made, and all the records of the said survey shall be taken as *prima facie* evidence for all proceedings under and for all the purposes of this Act;

Provided that the Collector may, on the application of the parties interested in such lands, and shall, in pursuance of a decree or order of a competent Court, cause any alteration or correction to be made of any such demarcation of lands, or of any entry in any such record.

Responsi-
bility for
maintenance
and repair of
boundary-
marks.

20. Every superior holder of land shall be responsible for the maintenance and good repair of the survey-boundary-marks of his holding and for any expenses, not exceeding five rupees for each mark, reasonably incurred on account of the same by the Collector in cases of alteration or removal.

Collector or
subordinates
may enter
upon lands.

21. It shall be lawful for the Collector or for any of his assistants or other subordinates in that behalf duly authorised by writing under the hand of the said Collector to enter upon any lands for the purpose of inspecting the survey-boundary-marks erected thereon, or of altering, renewing or repairing such marks.

¹ Part IV was substituted for the original by Bom. 27 of 1954, s. 3.

² These words were substituted for the words and figures "The survey made under the authority of Government during the years 1865 to 1872" by s. 16 of the Bombay City Survey Act, 1915 (Bom. 4 of 1915).

³ The words "the Provincial Government" were substituted for the word "Government" by the adaptation of Indian Laws Order in Council.

⁴ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1900.

PART IX.

PROCEDURE.

36. The provisions of the Civil Procedure Code in force for the time being with Law applied respect to the issue of summonses and commissions, and the compelling the attendance of witnesses, and for their remuneration, in suits before a District Court, shall apply to all persons summoned to appear before the Collector under the provisions of this Act. to summonses, etc.

¹[Any notice which the Collector or any of his subordinates is by this Act required or empowered to issue shall be deemed to have been sufficiently served, Notices how to be served.

(a) if it is addressed to any person and has been

(i) delivered to such person, or

(ii) delivered at his abode and in his absence to any adult male member or servant of his family, or

(iii) sent by post in a letter addressed to him at his last known residence, address or place of business and registered under Chapter VI of the ²Indian Post Office Act, 1898, or

(b) if the Collector is in doubt as to the person to whom such notice should be addressed or as to the residence, address or place of business of any person on whom it is desired to serve such notice, and

(c) causes the notice to be posted in some conspicuous place on or near the land to which it relates, and

(d) publishes the notice either in the ³[Official Gazette] or in such local newspapers as he deems fit or by proclamation on or near such land accompanied with beat of drum.]

PART X.

LEVY OF HOUSE-RENT, FEES, PENALTIES, ETC.

37. ⁴[(1)] All arrears of rent payable by any person in respect of the occupation of any house the property of ⁵[the ⁶Government]], and all fees, fines and penalties chargeable under this Act, and all money leviable under the provisions of this Act on account of the value of any land, or on account of the alteration, removal, renewal or repair of survey-boundary-marks, ⁷[or on account of the abatement or removal of an encroachment], shall be realised in the same manner as other revenue-demands, under the provisions of section 13 of this Act. Dues leviable as revenue-demands.

¹ This paragraph was added by s. 7 of the Bombay City Land-revenue (Amendment) Act, 1900 (Bom. 3 of 1900).

² Central Acts.

³ The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.

⁴ This section was renumbered as sub section () of that section by Bom. 47 of 1954, s. 3.

⁵ The words "the Crown" were substituted for the word "Government" by the Adaptation of Laws order in Council.

⁶ This word, was substituted for word "Crown" by the Adaptation of Laws Order, 1950.

⁷ These words were inserted by s. 8 of the Bombay City Land-revenue (Amendment) Act, 1900 (Bom. 3 of 1900).

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¹[(2) All other sums declared by any Act or Regulation or by any rules thereunder or by any agreement or contract with the State Government to be leviable as an assessment or as a revenue demand, or as an arrear of land revenue, shall also be realised in the same manner as revenue demands under the provisions of section 13 of this Act.

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(3) All persons who may have become sureties for the payment of any sum of money payable under any of the provisions of this Act or for any such contractor as aforesaid shall, on failure to pay the amount or any portion thereof for which they may have become liable under the terms of their security-bond, be liable to be proceeded against under the provisions of section 13 as revenue defaulters and the provisions of section 13 shall, so far as may be, be applicable to such persons.]

Power to
Collector of
Bombay to
assist other
Collectors in
realization
of dues.

38. It shall be lawful for the Collector of Bombay to levy, in the same way as any arrear of land-revenue due under this Act, any sum certified by the Collector or Assistant or Deputy Collector of any district or collectorate in the Presidency of Bombay to be due and recoverable as an arrear of land-revenue, from any person residing or owning property in the City of Bombay, by whom the same is so certified to be due.

PART XI.

MISCELLANEOUS.

Collector to
keep regis-
ters and
rent-rolls.

39. It shall be the duty of the Collector to prepare and keep in such form as ²[the ³[State] Government] may from time to time sanction a separate register and rent-roll of every description of land according to the nature and terms of the tenure on which such land is held.

Maps, land-
registers and
records where
to be kept;
to be open to
inspection.

Extracts and
copies to be
given.

Power to
frame and
vary rules
for guidance
of Collector,
etc., and for
matters not
provided for.

40. Subject to such rules and the payment of such fees as the ⁴[³[State] Government] may from time to time prescribe in this behalf, all maps and land registers, and other records of the Bombay City-survey, and all records concerning the land or the land-revenue, shall be kept in the Collector's office, and shall be open to the inspection of the public at reasonable hours; and certified extracts from such maps, registers and records, or certified copies thereof, shall be given to all persons applying for the same.

41. It shall be lawful for the ⁴[³[State] Government] from time to time to frame, and from time to time, to vary or repeal, rules not inconsistent with the provisions of this Act for the guidance of the Collector, and his assistants and other subordinates in the discharge of their duties, or for any other purpose connected with the subject-matter of this Act, not expressly provided for therein.

Any of such rules as the ⁴[³[State] Government] may deem fit may be published, and when published shall, until cancelled or amended by the ⁴[³[State] Government] have the force of law.

¹ These sub-sections were inserted by Bom. 47 of 1954, s. 3.

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word "Provincial" by the Adaption of Laws Order, 1950.

⁴ The words "Provincial Government" were substituted for the words "Governor in Council", by the Adaptation of Indian Laws Order in Council.

SCHEDULE A.

Table of Fees payable under the provisions of section 16 of this Act.

Sum distrained for—							Fee.
							Rs. a.
Not exceeding Rs. 5	..	..	..	..	..	..	0 8
Over Rs. 5 and not exceeding Rs. 10	..	..	..	..	..	..	1 0
" 10 " " " 15	..	..	..	..	..	..	1 8
" 15 " " " 20	..	..	..	..	..	..	2 0
" 20 " " " 25	..	..	..	..	..	..	2 8
" 25 " " " 30	..	..	..	..	..	..	3 0
" 30 " " " 35	..	..	..	..	..	..	3 8
" 35 " " " 40	..	..	..	..	..	..	4 0
" 40 " " " 45	..	..	..	..	..	..	4 8
" 45 " " " 50	..	..	..	..	..	..	5 0
" 50 " " " 60	..	..	..	..	..	..	6 0
" 60 " " " 80	..	..	..	..	..	..	7 8
" 80 " " " 100	..	..	..	..	..	..	9 0
Upwards of Rs. 100	..	..	..	..	..	..	10 0

BOMBAY ACT No. VII OF 1879.¹**[THE BOMBAY IRRIGATION ACT, 1879.]**

[2nd October 1879]

Repealed in part by Act 16 of 1895 ;
 " " " " Bom. 3 of 1880 ;
 " " " " " 3 of 1886 ;
 Amended by Bom. 1 of 1910 ;
 " " " 2 of 1914 ;
 " " " 14 of 1931 ;
 " " " 15 of 1933 ;
 Adapted and modified by the Adaptation of Indian Laws Order in Council ;
 Amended by Bom. 13 of 1947 ;
 " " " 64 of 1948 ;
 Adapted and modified by the Adaptation of Laws Order, 1950 ;
 Amended by Bom. 59 of 1950 ;
 " " " 29 of 1951 ;
 " " " 56 of 1954 ;

An Act to provide for Irrigation in the Bombay Presidency.

WHEREAS it is necessary to make provision for the construction, maintenance Preamble.
 and regulation of canals, for the supply of water therefrom and for the levy of rates
 for water so supplied, in the Bombay Presidency ; It is enacted as follows :—

PART I.**PRELIMINARY.**

1. This Act may be called the Bombay Irrigation Act, 1879.

Short title.

It extends to the whole of the Presidency of Bombay, except the City of Bombay. Local extent.

2. [The amendments made by s. 2 of this Act have been incorporated in the Bombay Land Revenue Code, 1875].

3. In this Act, unless there be something repugnant in the subject or context,— Interpretation clause.
 (1) " canal " includes—

- (a) all canals, channels, pipes and reservoirs constructed, maintained or controlled by ²[any Government] for the supply or storage of water ;
- (b) all works, embankments, structures and supply and escape-channels connected with such canals, channels, pipes or reservoirs, and all roads constructed for the purpose of facilitating the construction or maintenance of such canals, channels, pipes or reservoirs ;

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1878, Pt. V, p. 126 ; for Report of the Select Committee, see *ibid.*, 1879, Pt. V, p. 83 ; and for Proceedings in Council see *ibid.*, 1879, Pt. V, pp 3, 115 and 151.

² The words " any Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

- (c) all water-courses, drainage-works and flood embankments as hereinafter respectively defined ;
- (d) any part of a river, stream, lake, natural collection of water or natural drainage-channel, to which the ¹[²State] Government] may apply the provisions of section 5, or of which the water has been applied or used before the passing of this Act for the purpose of any existing canal ;
- (e) all land belonging to ³[the ⁴Government] which is situate on a bank of any canal as hereinbefore defined, and which has been appropriated under the orders of ⁵[any Government] for the purposes of such canal ;
- (2) " water-course " means any channel or pipe not maintained at the cost of ⁶[the ²State] Government], which is supplied with water from a canal, and includes all subsidiary works connected with any such channel or pipe, except the sluice or outlet through which water is supplied from a canal to such channel or pipe ;
- (3) " drainage-work " means any work in connection with a system of irrigation or reclamation made or improved by ⁷[any Government] for the purpose of the drainage of the country, whether under the provisions of section 15 or otherwise, and includes escape-channels from a canal, dams, weirs, embankments, sluices, groins and other works connected therewith, but does not include works for the removal of sewage from towns ;
- (4) " flood-embankment " means any embankment constructed or maintained by ⁵[any Government] in connection with any system of irrigation or reclamation works for the protection of lands from inundation or which may be declared by the ¹[²State] Government] to be maintained in connection with any such system, and includes all groins, spurs, dams and other protective works connected with such embankments ;
- ⁸[(4A) " bandhara " means any structure permanent or otherwise constructed or maintained for the purpose of impounding or diverting water of any river, stream, lake or any natural collection of water and includes any weirs, sluices, head walls, groins or any other works connected with such bandhara ;]
- (5) " Collector " * * * includes any officer appointed by the ¹[²State] Government] to exercise all or any of the powers of a Collector under this Act ;
- (6) " Canal-officer " means any officer lawfully appointed or invested with powers under section 4 ;
- ¹⁰[(6A) " Lands under irrigable command of a canal " means such lands as are irrigated or capable of being irrigated from the canal, being under its command and shall include also such lands as are or shall be deemed to be irrigated within the meaning of section 48 ;]
- (7) " owner " includes every person having a joint interest in the ownership of the thing specified ; and all rights and obligations which attach to an owner

¹ The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

³ The words " the Crown " were substituted for the word " Government ", by the Adaptation of Indian Laws Order in Council.

⁴ This word was substituted for the word " Crown " by the Adaptation of Laws Order, 1950.

⁵ The words " any Government " were substituted for the word " Government " by the Adaptation of the Indian Laws Order in Council.

⁶ The words " the Provincial Government " were substituted for the word " Government ", *ibid.*

⁷ The words " any Government " were substituted for the words " the Government ", *ibid.*

⁸ This clause was inserted by Bom. 29 of 1951, s. 2.

⁹ the words " means the head revenue-officer of a district and " were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), schedule B. This schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

¹⁰ Clause (6A) was inserted by Bom. 59 of 1950, s. 2.

56A. The betterment charges shall be payable on the date fixed under the rules made by the State Government under section 70 : Payment of betterment charges.

Provided that the owner of the land on which such charges are imposed may execute an agreement in favour of the State Government agreeing to pay the amount of such charges by annual instalments together with interest at such rate and within such period as may be prescribed by rules.

56B. Notwithstanding anything contained in section 56A, the State Government may allow the owner of the land on which the betterment charges may be payable to relinquish the whole or any part of the land or to deliver it in exchange in favour of the State Government on such conditions as may be prescribed by rules : Relinquishment or exchange of land in lieu of the payment of betterment charges.

Provided that no such relinquishment or exchange shall be permitted unless the land is free from encumbrances.

Irrigation cess.

56C. In addition to the water rates or other charges leviable under the provisions of this Act, there shall be levied in respect of land under irrigable command of a canal, a cess called 'the irrigation cess'. Levy of Irrigation cess.

56D. (1) In the case of unalienated land the occupant, and in the case of alienated land, the superior holder shall be primarily liable to the State Government for the payment of the irrigation cess, inclusive of all arrears of such cess : Liability for irrigation cess.

¹[Provided that in the case of land in the possession of a tenant such tenant shall, notwithstanding anything contained in the Bombay Tenancy and Agricultural Lands Act, 1948, or any other law, be primarily liable to pay the irrigation cess.] Bom. LXVII of 1948.

(2) In the case of default by any person who is primarily liable under this section, the irrigation cess including all arrears as aforesaid, shall be recoverable—

²[(a) from the occupant or superior holder, as the case may be, where the tenant was primarily liable, and

(b) in any other case, from any other person in possession of the land :]

Provided that where the irrigation cess is recovered under this section from a person who is not primarily liable for the same, such person shall be allowed credit for any payments which he may have duly made to the person who is primarily liable, and shall be entitled to credit, for the amount recovered from him, in account with the person who is primarily liable.

56E. (1) The irrigation cess payable in respect of any land under the irrigable command of a canal shall be at such rates and for such period as may be fixed by the State Government by notification in the *Official Gazette*. Rate and period of irrigation cess.

¹ This proviso was inserted by Bom. 56 of 1954, s. 2 (1).

² This portion was substituted for the words "from any person in possession of the land:", *ibid.*, s. 2(2).

(2) The determination of such rates and period shall be final and shall not be questioned in any court of law :

Provided that no increase shall be made during such period in the rates so fixed.

Date for
payment of
irrigation
cess.

56F. The irrigation cess recoverable in respect of any land shall be leviable on the date on which the land revenue is leviable in respect thereof.]

Recovery of Water-rates and other Dues in Arrears.

Payment and
recovery of
water rate
and other
dues.

¹[57. (1) Every water rate leviable or charged under this Act shall be payable in such instalments and on such dates and to such officers as shall from time to time be determined under the orders of the ²[State] Government. * * * *]

(2) Any such rate or the instalment thereof which is not paid on the date when it becomes due shall be deemed an arrear of land revenue due on account of the land for the use of which canal water was supplied or which was benefited by percolation or leakage from any canal and shall be recoverable as such arrear by any of the methods specified in section 150 of the Bombay Land Revenue Code, 1879, including the forfeiture of the said land.

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⁴[The amount of the betterment charges or any of its instalments together with interest thereon, if not paid on the date specified in section 56A and the amount of the irrigation cess if not paid on the date specified in section 56F shall be deemed to be an arrear of land revenue due on account of the land in respect of which it is payable and shall also be recoverable as such arrear by any of the methods specified in section 150 of the Bombay Land Revenue Code, 1879, including the forfeiture of the said land.]

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(3) Any rent payable to the owner of a water-course by a person authorized to use such water-course may be paid in such instalments and on such dates as the Canal officer duly empowered to act under section 23 shall direct and no more of such rent shall at any time be payable to the owner thereof than is actually recovered from the person liable to pay.

(4) (a) Any other sum due to the ¹[State] Government or to a Canal-officer under the provisions of this Act whether on behalf of the ²[State] Government or any other person under Part III of this Act which is not paid when demanded shall, and

(b) any rent or instalment thereof payable to the owner of a water-course, which is not paid when it becomes due may, on behalf of the owner,

be recoverable as arrears of land revenue in accordance with the provisions on the Bombay Land Revenue Code, 1879.]

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¹ Section 57 was substituted by Bom. 64 of 1948, s. 2.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ The words "or of any Commissioner empowered by the Provincial Government in this behalf" were deleted by Bom. 28 of 1950, Sch.

⁴ This paragraph was added by Bom. 59 of 1950, s. 5.

BOMBAY ACT No. IV OF 1887.¹

[THE BOMBAY PREVENTION OF GAMBLING ACT, 1887.]

[5th January, 1888.]

Repealed in part, by Act 16 of 1895.

Amended by Bom. 1 of 1890 ;
 " " " 1 of 1910 ;
 " " " 6 of 1919 ;
 " " " 5 of 1922 ;
 " " " 5 of 1926 ;
 " " " 14 of 1929 ;
 " " " 3 of 1931 ;
 " " " 12 of 1934 ;
 " " " 1 of 1936.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom. 2 of 1941.*
 " " " 17 of 1945.†
 " " " 37 of 1947.
 " " " 60 of 1954.

**An Act to consolidate and amend the law for the prevention of Gambling in
the Presidency of Bombay.**

WHEREAS it is expedient to consolidate and amend the law for the preven- Preamble.
tion of gambling in the Presidency of Bombay ; It is enacted as follows :—

1. This Act may be cited as the Bombay Prevention of Gambling Act, 1887. Short title.

It extends to the City of Bombay, to the Island of Salsette, to all ²[railways and] Extent.
railway station houses without the said city and island, and to all places not
more than three miles distant from any part of such station houses, respectively,
and all or any of its provisions may be ³extended from time to time by the
⁴[⁵[State] Government], by an order published in the ⁶[Official Gazette], to any
local area in the Presidency of Bombay. ⁷

The ⁴[⁵[State] Government] may from time to time, by an order published
as aforesaid, cancel or vary any order made by ⁷[it] under this section.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1887. Pt. IV, p. 12 ;
for Report of the Select Committee, see *ibid.*, p. 239; and for Proceedings in Council, see *ibid.*,
pp. 215 and 244.

² These words were inserted by Schedule I, Part II, Serial No. 12 of the Bombay Repealing and
Amending Act, 1910 (Bom. 1 of 1910).

³ For notification extending the Act, see *Bombay Local Rules and Orders*.

⁴ The words " Provincial Government " were substituted for the words " Governor in Council "
by the Adaptation of Indian Laws Order in Council.

⁵ This word was substituted for the word " Provincial " by the Adaptation of Laws Order,
1950.

⁶ The words " Official Gazette " were substituted for the words " Bombay Government Gazette ",
ibid.

⁷ The word " it " was substituted for the word " him ", *ibid.*

* This Act was re-enacted by Bom. 37 of 1947, s. 2.

† This Act has been re-enacted and the amendments made by section 9 and Schedule E of the
said Act have been continued in force by Bom. 52 of 1947, s. 2.

2. [Repeal of enactments.] Rep. Act XVI of 1895.

"Gaming"
defined.

3. ¹[In this Act "gaming" includes wagering or betting except wagering or betting upon a horse-race, when such wagering or betting takes place—

(a) on the day on which such race is to be run, and

(b) in an enclosure which the licensee of the race-course, on which such race is to be run, has set apart for the purpose under the terms of the licence issued under section 4 of the Bombay Race-Courses Licensing Act, 1912,² in respect of such race-course, and

Bom.
III of
1912.

³(c) between any individual in person, being present in the enclosure, on the one hand, and such licensee or other person licensed by such licensee in terms of the aforesaid licence on the other hand ⁴[or between any number of individuals in person] in such manner and by such contrivance as may be permitted by such licence ;

but does not include a lottery.

Any transaction by which a person in any capacity whatever employs another in any capacity whatever or engages for another in any capacity whatever to wager or bet whether with such licensee or with any other person shall be deemed to be 'gaming' : Provided, nevertheless, that such licensee may employ servants, and persons may accept service with such licensee, or wagering or betting in such manner or by such contrivance as may be permitted in such licence.] ⁵[The collection or soliciting of bets, receipt or distribution of winnings or prizes in money or otherwise in respect of wagering or betting or any act which is intended to aid or facilitate wagering or betting or such collection, soliciting, receipt or distribution shall be deemed to be 'gaming'.]

"Instru-
ments of
gaming",
defined.

⁶[In this Act the expression "instruments of gaming" includes any article used ⁷[or intended to be used] as a subject or means of gaming, ⁸[⁹*any document used ⁷[or intended to be used] as a register or record or evidence of any gaming] ¹⁰[the proceeds of any gaming, and any winnings or prizes in money or otherwise distributed or intended to be distributed in respect of any gaming.]

"Common
gaming-
house",
defined.

In this Act "common gaming-house" means a house, room or place in which ¹¹[any] instruments of gaming are kept or used for the profit or gain of the person owning, occupying, ¹²[or keeping such house, room or place or of the person using such house, room or place whether he has a right to use the same or not, such profit or gain being either by way of a charge for the use of the instruments of gaming or of the house, room or place or otherwise howsoever.]]

¹ This definition was substituted by s. 2 of the Bombay Prevention of Gambling (Amendment) Act, 1922 (Bom. 5 of 1922).

² *Infra*.

³ Clause (c) was substituted for the original clause by Bom. 3 of 1931, s. 2.

⁴ These words were inserted by Bom. 12 of 1934, s. 2.

⁵ These words were inserted by Bom. 1 of 1936, s. 2 (7).

⁶ This definition was inserted by s. 1 of the Act to amend the Bombay Prevention of Gambling Act, 1890 (Bom. 1 of 1890).

⁷ The words "or intended to be used" were inserted by Bom. 1 of 1936, s. 2 (2) (i).

⁸ These words were added by s. 2 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. 6 of 1919).

⁹ The word "and" was omitted by Bom. 1 of 1936, s. 2 (2) (ii).

¹⁰ These words were added, *ibid.*, s. 2 (2) (iii).

¹¹ This word was substituted for the words "cards, dice, tables, or other" by s. 2 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. 6 of 1919).

¹² This portion was substituted by Bom. 2 of 1941, s. 2, read with Bom. 37 of 1947, s. 2.

4. Whoever—

• Keeping
common
gaming-
house.

(a) ¹[opens, keeps or uses any house, room or place], for the purpose of gaming in a common gaming-house,

(b) being the owner or occupier of any such house, room or place knowingly or wilfully permits the same to be opened, occupied, kept or used by any other person for the purpose aforesaid,

(c) has the care or management of, or in any manner assists in conducting the business of, any such house, room or place opened, occupied, kept or used for the purpose aforesaid,

(d) advances or furnishes money for the purpose of gaming with persons frequenting any such house, room or place,

²[shall, on conviction, be punishable with imprisonment which may extend to six months and with fine :

Provided that—

(a) for a first offence such imprisonment shall not be less than one month and fine shall not be less than two hundred rupees ;

(b) for a second offence such imprisonment shall not be less than three months and fine shall not be less than two hundred rupees ; and

(c) for a third or subsequent offence such imprisonment shall not be less than six months and fine shall not be less than two hundred rupees.]

5. ³[Whoever is found in any common gaming-house gaming or present for the purpose of gaming, ⁴[shall, on conviction, be punishable with imprisonment which may extend to six months and with fine :

Gaming in
common
gaming-
houses.

Provided that—

(a) for a first offence such imprisonment shall not be less than one month and fine shall not be less than two hundred rupees ;

(b) for a second offence such imprisonment shall not be less than three months and fine shall not be less than two hundred rupees ; and

(c) for a third or subsequent offence such imprisonment shall not be less than six months and fine shall not be less than two hundred rupees.]

Any person found in any common gaming-house during any gaming ⁵* * therein shall be presumed, until the contrary ⁶[is proved], to have been there for the purpose of gaming.

76. It shall be lawful for a Police officer—

Entry,
search, etc.,
by police
officers in
gaming-
houses.

(i) in ⁸[the Greater Bombay] not below the rank of a Sergeant or Sub-Inspector and either empowered by general order in writing or authorised in each case by special warrant issued by the Commissioner of Police, and

¹ These words were substituted by Bom. 2 of 1941, s. 3 read with Bom. 37 of 1947, s. 2.

² This portion was substituted by Bom. 37 of 1947, s. 3.

³ This paragraph was substituted by s. 3 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. 6 of 1919).

⁴ This portion was substituted by Bom. 37 of 1947, s. 4.

⁵ The words "or playing", were repealed by s. 3 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. 6 of 1919).

⁶ The words "is proved" were substituted for the words "be made to appear" by Bom. I of 1936, s. 4 (3).

⁷ Section 6 was substituted for the original section, *ibid.*, s. 5.

⁸ These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9, Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

(ii) elsewhere not below the rank of a Sub-Inspector of Police authorised by special warrant issued in each case ¹[by a District Magistrate or Sub-Divisional Magistrate or by a Taluka Magistrate specially empowered by the State Government in this behalf or by] a District Superintendent of Police or by an Assistant or Deputy Superintendent of Police specially empowered by ²[the ³[State] Government] in this behalf,—

(a) to enter, with the assistance of such persons as may be found necessary, by night or by day, and by force, if necessary, any house, room or place which he has reason to suspect is used as a common gaming-house,

(b) to search all parts of the house, room or place which he shall have so entered, when he shall have reason to suspect that any instruments of gaming are concealed therein, and also the persons whom he shall find therein whether such persons are then actually gaming or not,

(c) to take into custody and bring before a Magistrate all such persons,

(d) to seize all things which are reasonably suspected to have been used or intended to be used for the purpose of gaming, and which are found therein :

Provided that no officer shall be authorised by special warrant unless the Commissioner of Police, the Magistrate, the District or Assistant or Deputy Superintendent of Police concerned is satisfied, upon any complaint made before him on oath and upon making such inquiry as he may think necessary, that there are good grounds to suspect the said house, room or place to be used as a common gaming-house.

Presumptive proof of keeping or gaming in common gaming-house.

47. When any instrument of gaming has been seized in any house, room or place entered under section 6 or about the person of any one found therein, and in the case of any other thing so seized if the court is satisfied that the Police officer who entered such house, room or place had reasonable grounds for suspecting that the thing so seized was an instrument of gaming, the seizure of such instrument or thing shall be evidence, until the contrary is proved, that such house, room or place is used as a common gaming-house and the persons found therein were then present for the purpose of gaming, although no gaming was actually seen by the Magistrate or the Police officer or by any person acting under the authority of either of them.

On conviction for keeping or gaming in common gaming-house, instruments of gaming may be destroyed.

8. On conviction of any person for opening, keeping or using a common gaming-house, ⁵* * or gaming therein, or being present therein for the purpose of gaming, the convicting Magistrate may order all the instruments of gaming found therein or on the persons of those who were found therein, to be forthwith destroyed ⁶[or forfeited],

and may also order all or any of the securities for money and other articles seized, not being instruments of gaming, to be sold and the proceeds thereof, with all moneys seized therein, to be forfeited; or, in his discretion, may order any part of such proceeds and other moneys to be paid to any person appearing to be entitled thereto.

Proof of playing for money not required for conviction.

9. It shall not be necessary, in order to convict a person of any offence against any of the provisions of sections 4 and 5, to prove that any person found ⁷[gaming] was playing for any money, wager or stake.

¹ These words were substituted for the words "by a Magistrate of the First Class or" by Bom. 30 of 1954, s. 2.

² The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁴ Section 7 was substituted for the original section by Bom. 1 of 1936, s. 6.

⁵ The words "or playing" were repealed by s. 5 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. 6 of 1919).

⁶ The words "or forfeited" were added by Bom. 1 of 1936, s. 7.

⁷ This word was substituted for the words "playing at any game" by s. 8 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. 6 of 1919).

SECTIONS.

- 172 Halalkhor-tax may be fixed at special rates in certain cases.
- 173 Water-tax water charges or halalkhor-tax paid by any person may be recovered by him from the occupier of the premises for which it is paid.
- 173A. Owner of premises entitled to recover water charges from occupiers of tenements.
- 173B. Water charges paid by owners but not recovered from occupiers not to operate to diminish annual rent for purposes of section 154.

Refund of Property taxes for Vacancies.

- 174 Refund of water and halalkhor-taxes when and to what extent obtainable.
- 175 Refund of general tax when and to what extent obtainable.
- 176 Refund not claimable unless notice of vacancy is given to the Commissioner.
- 177. Refund of water-tax inadmissible unless application for stopping water-supply has been made.
- 178. Refund of general tax inadmissible when drawback has been sanctioned.
- 179. Applications for refund when and how to be made.

Tax on Vehicles and Animals.

- 180. Tax on what vehicles and animals to be levied.
- 181. Exemptions from the tax.
- 182. Persons responsible for the payment of the tax.
- 183. [*Repealed.*]
- 184. [*Repealed.*]
- 185. Livery-stable-keepers and others may be compounded with.
- 186. Vehicle and animal tax book to be kept.
- 187. Returns may be called for from owners of premises and persons supposed to be liable to the tax.
- 188. Notice to be given to Commissioner by a person who becomes owner or possessor of a vehicle or animal in respect of which liability arises, etc.
- 189. Power to inspect stables and summon persons liable to the tax.
- 190. Refund of tax on vehicles and animals when and to what extent obtainable.
- 191. Refund not claimable unless notice is given to the Commissioner.

Dogs.

- 191A. Tax on dogs.
- 191B. Licence and number ticket for and disposal of dogs.
- 191BB. Exemption of dogs kept by certain Consular Officers.
- 191C. Protection of persons acting in good faith.
- 191D. Certain sections not to apply.

Theatre Tax.

Tax on cinemas, theatres, circuses, carnivals and other performances or shows.

- 191E. Theatre tax.
- 191F. Liability to pay theatre tax.
- 191G. Register of persons liable to pay theatre tax.

SECTIONS.

- 191H. Returns by persons liable to theatre tax.
- 191I. Power of inspection.
- 191J. Notice of demand.
- 191K. Rules governing theatre tax.

Town duties.

- 192. Town duties at what rates and on what articles leviable.
- 193. Table of rates of town duties to be affixed on certain places.
- 194. Exemption of articles belonging to the Government from town-duty.
Refund of town-duty on articles which become the property of the Government after importation.
- 194-1A. Exemption of articles belonging to certain Consular Officers from town-duty.
- 194A. Exemption of articles imported for immediate exportation.
- 195. Refund of town-duty on export.
- 195A. [*Repealed.*]
- 195B. [*Repealed.*]
- 195C. Accounts to be kept ; exercise by corporation of option to take over arbitration.
- 195D. Definition of loan.

Education Cess.

- 195E. Levy of education cess.
- 195F. Proportional recovery of education cess from tenants permitted.

Supplementary Taxation.

- 196 Any tax imposable under this Act may be increased by way of imposing supplementary taxation.

Collection of Taxes

- 197. Property-taxes payable half-yearly in advance.
- 198. Tax on vehicles, animals and public conveyances payable in advance.
- 199. Town-duties payable on demand.
- 200. Service of bills for certain taxes.
- 201. When one bill may be served for several claims.
- 202. Notice of demand.
- 203. Distress and attachment.
- 204. Goods of defaulter may be distrained, wherever found.
- 205. Inventory and notice of distress and sale.
- 206. Sale.

Amended by Bom. 1 of 1942 ; *

„ „ „ 8 of 1942 ; †

„ „ „ 2 of 1943 ; *

„ „ „ 9 of 1945 ; *

„ „ „ 12 of 1945 ; *

„ „ „ 1 of 1946 ; †

„ „ „ 4 of 1947 ;

„ „ „ 12 of 1947 ;

„ „ „ 20 of 1947 ;

„ „ „ 21 of 1947 ;

Adapted by the Indian (Adaptation of Existing Indian Laws) Order, 1947 ;

Amended by Bom. 3 of 1948 ;

„ „ „ 8 of 1948 ;

„ „ „ 48 of 1948 ;

„ „ „ 69 of 1948 ;

„ „ „ 76 of 1948 ;

„ „ „ 7 of 1950 ;

Adapted and modified by the Adaptation of Laws Order, 1950 ;

Amended by Bom. 48 of 1950 ;

„ „ „ 9 of 1951 ;

„ „ „ 30 of 1951 ;

„ „ „ 20 of 1952 ;

„ „ „ 64 of 1953 ;

„ „ „ 6 of 1954 ;

„ „ „ 8 of 1954 ;

„ „ „ 21 of 1954 ;

„ „ „ 34 of 1954 ;

„ „ „ 62 of 1954.

An Act to consolidate and amend the law relating to the Municipal Government of ¹[Greater Bombay].

WHEREAS it is expedient to consolidate and amend the law relating to the municipal government of ¹[Greater Bombay] ; It is enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. This Act may be cited as ²[the Bombay Municipal Corporation Act]. Short title.
Except as is herein otherwise expressly provided, it extends only to ³[Greater Bombay]. Extent.

2. The enactments mentioned in Schedule A are repealed to the extent specified in the third column of the said Schedule : Repeal of enactments.
Provided that—

(a) all rules and by-laws made, all notifications published, all orders issued and all licences and permissions granted under any of the said enactments and still in force shall, so far they are consistent with this Act, be deemed to have been respectively made, published, issued and granted hereunder ; and

(b) all debts and obligations incurred, all contracts entered into and all matters and things engaged to be done by, with or for the municipal corporation before this Act comes into force shall be deemed to have been incurred, entered into or engaged to be done by, with or for the municipal corporation constituted under this Act ; and

* This Act was repealed and re-enacted by Bom. 8 of 1948.

† This Act was repealed and re-enacted with modifications, *ibid.*

¹ These words were substituted for the words " the City of Bombay " by Bom. 7 of 1950, s. 3.

² These words were substituted for the words and figures " the City of Bombay Municipal Act, 1888 " , *ibid.*, s. 4 (a).

³ These words were substituted for the words " the City of Bombay " , *ibid.*, s. 4 (b).

(c) all rates, taxes and sums of money due to the corporation when this Act comes into force shall be deemed to be due to the corporation under this Act; and
 (d) all suits or other legal proceedings, civil or criminal, instituted or which might but for the passing of this Act have been instituted by or against the corporation or the Commissioner may be continued or instituted subject to the provisions of section 13 of Schedule R as if this Act had not been passed; and
 (e) all references made in any Act of the Governor of Bombay in Council to any of the said enactments shall be read as if made to this Act or to the corresponding portion thereof.

Definitions
of terms.

3. In this Act, unless there be something repugnant in the subject or context,—
¹[(a) “the city” means the area specified in Part I of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945;]

(a1) “Greater Bombay” means the areas specified in Parts I, II and III of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945;

(a2) “the suburbs” means the area specified in Parts II and III of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945];

(b) “the corporation” means the Municipal Corporation of ²[Greater Bombay];

³[(c) “Councillor” means a person who is duly elected as a member of the Corporation under this Act];

⁴[(cc) “Commission” means the Public Service Commission constituted for the State of Bombay under the Constitution of India];

(d) “the Commissioner” means the Municipal Commissioner for ²[Greater Bombay] appointed under section 54, and includes an acting Commissioner appointed under sub-section (3) of section 59;

(e) “Deputy Commissioner” means a Deputy Municipal Commissioner appointed under section 55, ⁵[and the Deputy Municipal Commissioner (Improvements) appointed under section 56A] and includes an acting Deputy Commissioner appointed under sub-section (3) of section 59 ⁶[and an additional Deputy Municipal Commissioner appointed under sub-section (1A) of section 55].

(f) “the Police Commissioner” means the Commissioner of Police ⁷[for Greater Bombay];

⁸[(g) “Education Officer” means the Municipal Education Officer appointed under section 76A and includes an acting Municipal Education Officer appointed under section 85];

8* * * * *
 10* * * * *

(k) “licensed plumber” and “licensed surveyor” means respectively, a person licensed by the Commissioner for the purposes of this Act as a plumber or surveyor, under section 355;

(l) “Small Cause Court” means the Court of Small Causes of Bombay;

¹ These clauses were substituted for clause (a) by Bom. 7 of 1950, s. 5 (i).

² These words were substituted for the words “the City of Bombay”, *ibid.*, s. 5 (ii).

³ This clause was substituted for the original by Bom. 48 of 1950, s. 2 (1).

⁴ Clause (cc) was inserted, *ibid.*, s. 2 (2).

⁵ These words, figures, brackets and letters were inserted by Bom. 13 of 1933, s. 3 (a).

⁶ These words, figures, letter and brackets were added by Bom. 7 of 1950, s. 5 (iii).

⁷ These words were substituted for the words “of Bombay”, *ibid.*, s. 5 (iv).

⁸ Clause (g) was inserted by Bom. 48 of 1950, s. 2 (3).

⁹ Clause (h) was deleted, *ibid.*, s. 2 (4).

¹⁰ Clause (j) was repealed by Bom. 6 of 1922, s. 2.

^{*}Section 79 of Bom. 48 of 1950 reads as follows:—

79. Nothing in sections 2 (1), (1) and (5) and 4 to 16 shall effect the constitution of the Corporation, the Standing Committee, the Improvements Committee or any other Committee or sub-committee as constituted or appointed under the said Act—immediately before the coming into operation of this Act and any casual vacancy in the office of a council or a member of any of the said committees or sub-committee before the 1st day of April 1952, shall, subject to the provisions of the said Act, be filled as if this Act had not been passed.

Savings.

(2) Save as otherwise provided in this Act, the power of appointing municipal officers and servants ¹[whether temporary or permanent, shall] vest in the Commissioner :]

²[Provided that such power in respect of permanent appointments shall be subject to the schedule for the time being in force prepared and sanctioned under section 79 :

Provided further that no temporary appointment shall be made by the Commissioner for any period exceeding six months and no such appointment carrying a monthly salary of more than two hundred rupees exclusive of allowances shall be renewed by the Commissioner on the expiry of the said period of six months without the previous sanction of the standing committee] ³[or of the Education Committee, as the case may be].

⁴[80B. (1) No person shall be appointed to a post—

(a) the power of appointment to which vests in the corporation, the Standing Committee or the Municipal Commissioner ; and

(b) the minimum monthly salary exclusive of allowances for which is Rs. 300 per mensem or more, except after consultation with the Commission in accordance with the rules made under this section.

(2) Nothing in sub-section (1) shall apply to any acting or temporary appointment for a period not exceeding six months ⁵[or to appointments to such ministerial posts as may, from time to time, be specified by the State Government in consultation with the Commission when such posts are to be filled by promotion.]

⁶[(2A) The provisions of sub-section (1) shall not apply also to appointment of any officer,—

(a) who having been appointed by the Secretary of State or Secretary of State in Council to a civil service of the Crown in India continues on and after the 15th August 1947 to serve under the Government of India or of a State ; or

(b) who is a member of the Indian Administrative Service or Indian Police Service, to any such post on foreign service conditions.]

(3) The State Government shall after consultation with the Corporation and Commission make rules for prescribing—

(a) the procedure to be followed by the Commission in advertising the posts, calling for applications, scrutinising the same and selecting the candidates for interview ;

(b) the procedure to be followed by the Commission for selecting candidates and by the Corporation for consultation with the Commission ;

(c) the procedure for enabling the Municipal Officer or Officers to attend the interview to advise the Commission ;

(d) the procedure to be followed in case there is a difference of opinion between the Commission and the appointing authority ;

(e) the fees and other costs to be paid to the Commission by the Corporation for consultation and other incidental matters ;

(f) any other matter which is necessary or incidental for the purpose of consultation with the Commission.

¹ These words were substituted for the original by Bom. 76 of 1948, s. 8.

² These provisions were added, *ibid.*

³ These words were added by Bom. 48 of 1950, s. 47 (2).

⁴ This section was substituted, *ibid.*, s. 48.

⁵ These words were inserted by Bom. 64 of 1953, s. 3.

⁶ This sub-section was inserted by Bom. 62 of 1954, s. 2 (1). This amendment shall be deemed to have been made on and to have effect from the 14th day of May 1954 [see s. 2 (2) of Bom. 62 of 1954].

Manner
of making
appoint-
ments.

(4) The Corporation shall also with the previous sanction of the State Government make rules prescribing the qualifications to be possessed by candidates eligible for appointment to posts referred to in sub-section (1).

(5) The rules made under this section shall be published in the *Official Gazette*.

(6) Any rules made prescribing qualifications for appointment to any such post which were in force immediately before the Bombay Municipal Corporation and Bom. City of Bombay Primary Education (Amendment) Act, 1950, comes into force, shall XLIV- continue in force and be deemed to have been made under this section unless and III of until they are superseded or amended by rules made under this section. 1950.

(7) All fees paid to the Commission under this section shall be credited to the State Government.

(8) All communications made by the Commission in regard to any matter relating to the appointment to any post for which it was consulted shall be deemed to be confidential and no discussion shall be permitted thereon in the Corporation, in the Standing Committee, or any Committee of the Corporation or no disclosure relating thereto shall be made in the public.]

Leave of Absence, Acting Appointments, etc.

Standing committee to frame regulations or grant of leave, etc.

81. (1) The Standing Committee shall from time to time frame regulations in consonance with any resolution that may be passed by the corporation—

(a) fixing the amount and the nature of the security to be furnished by any municipal officer or servant from whom it may be deemed expedient to require security ;

(b) regulating the grant of leave to municipal officers and servants ;

(c) authorizing the payment of allowances to the said officers and servants, or to certain of them, whilst absent on leave ;

(d) determining the remuneration to be paid to the persons appointed to act for any of the said officers or servants during their absence on leave ;

¹[(dd) authorizing the payment of travelling or conveyance allowance to the said officers and servants ;]

(e) regulating the period of service of all the said officers and servants ;

(f) determining the conditions under which the said officers and servants, or any of them, shall on retirement or discharge receive pensions, gratuities or compassionate allowances and under which ²[the surviving spouse or children and in the absence of the surviving spouse or children the parents, brothers and sisters, if any.] dependent on any of the said officers and servants, shall, after their death, receive compassionate allowances and the amounts of such pensions, gratuities or compassionate allowances ;

(g) authorizing the payment of contributions, at certain prescribed rates and subject to certain prescribed conditions, to any pension or provident fund which may, with the approval of the standing committee, be established by the said officers and servants ³[or to such provident fund, if any, as may be established by the corporation for the benefit of the said officers and servants] ;

¹ This clause was inserted by Bom. 12 of 1936, s. 5 (1).

² These words were substituted for the original by Bom. 76 of 1948, s. 9.

³ These words were added by Bom. 6 of 1922, s. 27 (1), and the addition shall be deemed to have been made and to have had effect from such date as may be fixed by the corporation.

166. (1) When all such complaints, if any, have been disposed of and the entries required by clause (e) of section 156 have been completed in the ward assessment-book, the said book shall be authenticated by the Commissioner, who shall certify, under his signature, that except in the cases, if any, in which amendments have been made as shown therein, no valid objection has been made to the rateable values entered in the said book.

Authentification of ward assessment-books when all complaints have been disposed of.

(2) Thereupon the said ward assessment-book subject to such alterations as may thereafter be made therein under the provisions of the next following section, shall be accepted as conclusive evidence of the amount of each property-tax leviable on each building and land in the ward in the official year to which the book relates.

167. (1) The Commissioner may, upon the representation of any person concerned, or upon any other information, at any time during the official year to which an assessment-book relates amend the same by inserting therein the name of any person whose name ought to be so inserted or any premises previously omitted or by striking out the name of any person not liable for the payment of any property-tax, or by increasing or reducing the amount of any rateable value and of the assessment based thereupon, or by making or cancelling an entry exempting any premises from liability to any property-tax.

Assessment-book may be amended by the Commissioner during the official year.

(2) Every such amendment shall be deemed to have been made, for the purpose of determining the liability or exemption of the person concerned in accordance with the altered entry, from the earliest day in the current official year when the circumstances justifying the amendment existed.

168. (1) It shall not be necessary to prepare a new assessment-book every official year. Subject to the provisions of sub-section (3), the Commissioner may adopt the entries in the last preceding year's book with such alterations as he thinks fit, as the entries for each new year.

New assessment-book need not be prepared every official year.

(2) But public notice shall be given, in accordance with sections 160 and 162 every year and the provisions of the said sections and of sections 163 to 167, both inclusive, shall be applicable each year.

(3) A new assessment-book shall be prepared at the least once in every four years.

Special provisions concerning the Water and Halalkhor Taxes.

169. (1) The Commissioner may—

(a) in such cases as the standing committee shall either generally or specially direct, instead of levying the water-tax in respect of any premises liable thereto under section 141, charge for the water supplied to such premises by measurement at such rate as shall from time to time be prescribed by the said committee in this behalf. ¹[The sum so charged shall hereinafter be referred to as 'water charges'];

A charge by measurement or a periodical lump payment may be substituted for the water-tax.

(b) ²[in such cases as the standing committee shall either generally or specially approve], compound with any person for the supply of water to any premises for a renewable term of one or more years not exceeding five, on payment of a fixed periodical sum in lieu of the water-tax or ³[water charges] which would otherwise be leviable from such person in respect of the said premises.

¹ These words were added by Bom. 41 of 1954, s. 3. (1).

² These words were substituted for the words "with the approval of the standing committee" by Bom. 19 of 1930, s. 11 (a).

These words were substituted for the words "charge by measurement" Bom. 61 of 1954, s. 3 (2).

(2) The standing committee may, for the cases in which the Commissioner charges for water by measurement under clause (a), from time to time prescribe such conditions as they shall think fit as to the use of the water and as to the charge to be paid for water consumed whilst a meter is out of order or under repair; and ¹[for the cases] in which a composition is made under clause (b), the said committee may prescribe such conditions as to the use of the water as they shall think fit: Provided that no condition prescribed under this sub-section shall be inconsistent with this Act or with any by-law made under this Act.

(3) A person who is charged for water by measurement or who has compounded for a fixed periodical sum shall not be liable for payment of the water-tax, but any sum payable by him on account of water and not paid when it becomes due shall be recoverable by the Commissioner as if it were an arrear of water-tax.

²[Government] and the Port Trust to be charged for water by measurement.

170. If, in respect of any premises, water-tax would be leviable under this Act from the ²[Government] or from the Trustees of the Port of Bombay, the Commissioner, in lieu of levying such tax, shall charge for the water supplied to such premises, by measurement, at such rate as shall be prescribed by the standing committee in this behalf, not exceeding, in the case of the ²[Government], the minimum rate, and, in the case of the said Trustees, the maximum rate, at the time being charged under clause (a) of section 169 to any other person; and such charge shall be recoverable as provided in sub-section (3) of the said section.

Supply of water at public drinking fountains, etc., not to be taxed.

171. No tax or charge of any kind shall be levied or demanded for the use of water in or from any drinking fountain, tank, reservoir, cistern, pump, well, duct, standpipe or other work, used for the gratuitous supply of water to the inhabitants of the city and vesting in the corporation: Provided that the use of water in or from any such work shall be limited as prescribed in sub-section (3) of section 269.

Halalkhor-tax may be fixed at special rates in certain cases.

172. (1) The Commissioner may, whenever he thinks fit, fix the halalkhor-tax to be paid in respect of any hotel, club or other large premises at such special rate as shall be approved by the standing committee in this behalf, either generally or in any particular case, whether the service in respect of which such tax is leviable be performed by halalkhors or by substituted means or appliances.

(2) In the case of premises in respect of which the halalkhor-tax is payable by the ²[Government] or by the Trustees of the Port of Bombay, the Commissioner shall fix the said tax at a special rate approved as aforesaid.

(3) In any such case the amount of the halalkhor-tax shall be fixed with reference to the cost or probable cost of the collection, removal and disposal, by the agency of municipal halalkhors, of excrementitious and polluted matter from the premises.

¹ These words were substituted for the words "in each case" by Bom. 19 of 1930, s. 11 (b).

² The word "Government" was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

173. (1) Any person who has paid to the Commissioner any ¹[water-tax, or a sum Water-tax on account of water charges or any] halalkhor-tax in respect of any premises shall, ²[water charges] or halalkhor-tax paid by if he was not himself in occupation of the said premises during the period for which he has made such payment, be entitled to receive the amount of the said payment from the person, if any, in actual occupation of the said premises for any person may be recovered by him from the occupier of the premises for which it is paid. the said period.

(2) For the recovery of the said amount from the person aforesaid, the person who has paid the same shall have the same rights and remedies as if such amount were rent payable to him by the person from whom he is entitled to receive the same.

³[173A. (1) If the premises to which water is supplied by measurement consists of more than one tenement and water is supplied thereto through a common meter and if water charges in respect of the water supplied are paid to the Commissioner by the owner of the said premises or any person acting on his behalf, such owner shall be entitled to recover the sum of such water charges *pro-rata* from the occupiers of the tenements during the period for which water is supplied to the said tenements through the common meter, in proportion to the amount of the rent for which each of such tenements is let : Owner of premises entitled to recover water charges from occupiers of tenements.

Provided that if—

(a) any of the tenements is in the occupation of the owner or any person acting on his behalf, or

(b) by the terms of the tenancy, the owner has agreed to pay the water charges for an occupier of a tenement,

the amount payable *pro-rata* in respect of such tenements shall not be recovered from the occupiers of other tenements.

(2) If, under the terms of the tenancy, the rent charged for any such tenement is inclusive of water-tax and subsequently water is supplied thereto through a common meter and if water charges are paid by the owner or any person acting on his behalf, such owner shall be entitled to recover under this section from the occupier of such tenement only the difference between the water-tax previously payable by him and the water charges payable in respect of such tenement on *pro-rata* basis under sub-section (1).

173B. If the owner of any premises has paid to the Commissioner the sum of water charges in respect of water supplied to the premises and though entitled to recover from the person in actual occupation of the said premises a sum as determined under section 173A, omits or fails to recover the same wholly or in part for whatever reason the fact of the omission or failure to recover such sum shall not operate to diminish the amount of the annual rent of the said premises calculated for the purposes of section 154.] Water charges paid by owners but not recovered from occupiers not to operate to diminish annual rent for purposes of section 154.

¹ These words were substituted for the words "Water Tax or" by Bom. 62 of 1954, s. 4 (1).

² These words were inserted, *ibid.* s. 4 (2).

³ Sections 173A and 173 B were inserted, *ibid.*, s. 5.

prescribe, and may in like manner require any lock or key found to be defective on an inspection under section 278 to be replaced.

(2) Every cistern so provided with a lock shall be kept permanently locked and the key shall then be delivered to the Commissioner.]

275. ¹[(1)] It shall be incumbent on the owner or occupier of any premises to which a private water-supply is furnished from any municipal water-work, ²[to keep in a thoroughly clean condition and to maintain and keep in efficient repair every supply and distributing pipe] conveying water from the said water-work to such premises and every meter for measuring water, not being a municipal meter and ³[every cistern and fitting] in or connected with any such pipe, so as effectually to prevent the water from running to waste.

Communi-
cation-pipes,
etc., to be
kept in
efficient
repair by
owner or
occupier of
premises.

⁴[(2) When an occupier of any premises is served with a notice under sub-section (2) of section 278, he may, after giving to the person to whom he is responsible for the payment of his rent ⁵[three] days' notice in writing, himself have the repairs executed and in such event he shall be entitled to deduct from any rent due ⁶[or to become due] by him to such person the actual expenses incurred by him in complying with the notice served under sub-section (2) of section 278 : provided that nothing in this section shall effect the liabilities of parties under leases executed before the 1st day of April 1918.]

276. (1) Where water is supplied by measurement, the Commissioner may either provide a meter and charge the consumer for the same such rent as shall from time to time be prescribed in this behalf by the standing committee, or may permit the consumer to provide a meter of his own of such size, material and description as the Commissioner shall approve for this purpose.

Provision of
meters when
water is
supplied by
measure-
ment.

⁷[Provided that if such consumer is an occupier of any premises, he shall not be provided with a meter or permitted to provide himself with a meter of his own, unless he complies with such conditions as may be prescribed by the Commissioner.]

(2) The Commissioner shall at all times keep all meters and other instruments for measuring water, let by him for hire to any person, in proper order for correctly registering the supply of water, and in default of his so doing such person shall not be liable to pay rent for the same during such time as such default continues.

277. Where water is supplied by measurement, the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity consumed.

Register of
meter to be
evidence.

Inspection.

278. (1) The Commissioner may make an inspection of any premises to which a private water-supply is furnished by the corporation in order—

- (a) to remove, test, examine and replace any meter for measuring water : or
- ⁸[(b) to examine any supply or distributing pipe, cistern, lock or fitting ; or]
- (c) to see if there be any waste or misuse of water.

Commis-
sioner, etc.,
may inspect
premises in
order to exa-
mine meter,
communi-
cation-pipes,
etc.

⁹[(2) The Commissioner may, by written notice, require the owner or occupier of the premises to remedy any defect which shall be found to exist in or to clean, any such meter, not being a municipal meter let to him for hire, or any such supply or distributing pipe, cistern, lock or fitting.

¹ Section 275 was numbered sub-section (1) of section 275 by Bom. 8 of 1918, s. 12.

² These words were substituted for the original by Bom. 5 of 1938, s. 29 (a).

³ This sub-section was added by Bom. 8 of 1918.

⁴ These words were substituted for the original by Bom. 5 of 1938, s. 29 (b).

⁵ This proviso was inserted by Bom. 62 of 1954, s. 6.

⁶ This clause was substituted for the original by Bom. 5 of 1938, s. 30 (a).

⁷ This sub-section was substituted for the original, *ibid.*, s. 30 (b).

Cutting off private water-supply.

Power to cut
off private
water-supply
or to turn off
water.

279. (1) The Commissioner may ¹* * * * * cut off the connection between any municipal water-work and any premises to which a private water-supply is furnished by the corporation or turn off the water from such premises in any of the following cases, namely :—

(a) in default of payment of any instalment of water-tax or of any sum due for water ²[or hire of meter] ³[or expenses of any work done under or by virtue of the provisions of section 272, 276 or 287A] within fifteen days after a ⁴[notice of demand] for such tax or sum has been duly ⁵[served] ;

⁶[(b) if the owner of the premises neglects, within the period prescribed in this behalf in any notice given under sub-section (1) or (1A) of section 274 or under section 274A, to comply with any requisition made to him by the Commissioner regarding the provision of any cistern, fitting, lock or key or any means of access to such cistern ;

(c) if the owner or occupier of the premises fails, within the period prescribed in this behalf in any notice given under sub-section (2) of section 278, to comply with the terms of such notice or fails to use articles of the kind prescribed under sub-section (3) of section 274 ;]

(d) if after receipt of a written notice from the Commissioner requiring him to refrain from so doing, the owner or occupier of the premises continues —

(i) to use the water, or to permit the same to be used, in contravention of any by-law made under this Act or of any condition prescribed under sub-section (2) of section 169 ;

(ii) when payment for the water is made not by measurement to permit any person not residing on premises in respect of which water-tax is paid to carry away from such owner's or occupier's premises water derived from the municipal water-work ;

⁷[(e) if the owner or occupier of the premises wilfully or negligently injures or damages any meter, pipe, cistern or fitting or lock thereof in such premises ;]

⁸[(f) if the owner or occupier of the premises fails to comply with any requisition made on him by the Commissioner under sub-section (2) of section 287B, to furnish the name of the licensed plumber] :

⁹[Provided that—

¹⁰[(i) in any case under sub-clause (a) the Commissioner shall not take action unless not less than fifteen days previously a copy of the notice of demand in respect of the tax or sum has been affixed to a conspicuous part of the premises,]

¹¹[(ii) in cases under sub-clauses (a), (b), ¹²(d) and (f)] the Commissioner shall not take action without the sanction of the standing committee,

¹³[(iii) in cases under sub-clauses (c) and (e) the Commissioner shall not take action unless written notice of not less than twenty-four hours has been given to the owner or occupier of the premises,]

¹ The words " with the sanction of the standing committee " were repealed by Bom. 6 of 1913, s.2.

² These words were inserted by Bom. 5 of 1938, s. 31 (i).

³ These words and figures were inserted by Bom. 10 of 1928, s. 13 (a) (i).

⁴ The words " notice of demand " were substituted for the original word " bill ", *ibid.*, s. 13 (a) (ii).

⁵ This word was substituted for the word " presented " by Bom. 20 of 1952, s. 15.

⁶ These clauses were substituted for the original by Bom. 5 of 1938, s. 31 (1) (b).

⁷ This clause was substituted for the original, *ibid.*, s. 31 (c).

⁸ This clause was inserted by Bom. 8 of 1918, s. 13 (d).

⁹ This proviso was added by Bom. 6 of 1913, s. 2.

¹⁰ New proviso (i) was inserted by Bom. 10 of 1928, s. 13 (b) (i).

¹¹ Original provisos (i) and (ii) were renumbered as provisos (ii) and (iii) respectively, *ibid.*, s. 13 (c).

¹² These letters, word and brackets were substituted for the original word, letter and brackets " and (d) " by Bom. 8 of 1918, s. 13, e).

his office or place of abode, stating with reasonable particularity the cause of action and the name and place of abode of the intending plaintiff and of his attorney or agent, if any, for the purpose of such suit ; nor*

(b) unless it is commenced within six months next after the accrual of the cause of action.

(2) At the trial of any such suit—

(c) the plaintiff shall not be permitted to go into evidence of any cause of action except such as is set forth in the notice delivered or left by him as aforesaid ;

(d) the claim, if it be for damages, shall be dismissed if tender of sufficient amends shall have been made before the suit was instituted or if, after the institution of the suit, a sufficient sum of money is paid into Court with costs.

(3) Where the defendant in any such suit is a municipal officer or servant, payment of the sum or of any part of any sum payable by him in or in consequence of the suit, whether in respect of costs, charges, expenses, compensation for damages or otherwise, may be made, with the ¹[previous] sanction of the standing committee ²[or the Bombay Electric Supply and Transport Committee, from the municipal fund or the Bombay Electric Supply and Transport Fund, as the case may be].

Bom.
V of
1879.

³[527A. Notwithstanding the provisions of sections 48, 65, 66 and 67 of the Savings in respect of certain provisions of Bombay Land Revenue Code, 1879.—

(1) the use of any land in the suburbs for any purpose to which it may lawfully be put under the provisions this Act shall not be prohibited in exercise of the powers conferred by or under the said Code ;

(2) it shall be sufficient for any occupant of land in the suburbs assessed or held for the purpose of agriculture to show to the satisfaction of the Collector that he has complied with all the requirements of this Act and the bye-laws made thereunder to entitle such occupant to permission under section 65 of the said Code subject to the condition of the payment of altered assessment and fine, if any, for the use of the holding or part thereof for any purpose unconnected with agriculture.]

528. The provisions contained in Schedule R for regulating the constitution of the corporation and other matters until this Act is brought fully into operation shall be of the same effect as if they were enacted in the body of this Act. Effect of the transitory provisions in Schedule R.

¹ The word "previous" was inserted by Bom. 19 of 1930, s. 20.

² These words were substituted for the original by Bom. 48 of 1948, s. 59.

³ Section 527A was inserted by Bom. 7 of 1950, s. 33.

* This word was substituted for the word "or" as the latter was a misprint.

(c) pensions, gratuities and contributions by the corporation to the Provident Fund ;

(d) office expenses, cost of audit, expenses of management of debt, losses on investments and other incidental expenses ;

shall, in the first instances, be debited to the General Account and shall be apportioned at the close of each financial year between the Capital Account and the General Account in such proportion as the standing committee shall determine.

• SCHEDULE BBA.

Accounts to be maintained under section 123C.

1. The accounts to be kept under section 123C shall be maintained in the form of an Education Fund Account.

2. There shall be credited to the Education Fund Account all moneys received by, or on behalf of, and all sums contributable by the Corporation for the purposes of clause (g) of section 61, including :—

(a) all proceeds of the disposal of any property held by the Corporation for the purposes of the said clause ;

(b) all rents received from the lease of any immovable property held for the purposes of the said clause ;

(c) all fees and fines received in municipal schools (other than fines to which the provisions of section 120 apply) ;

(d) all interest or profit arising from any transaction effected with moneys held by the Corporation for the purposes of the said clause ;

(e) all moneys received from the State Government or from any other source by way of contribution, gift or grant for the purposes of primary education ; and

(f) the amount estimated by the Commissioner under sub-clause (c) of section 126C as revised by the Corporation under section 127.

3. There shall be debited to the Education Fund Account all the expenses incurred by the Corporation for the purpose of clause (g) of section 61 including :—

(a) the salary and allowances of the Education Officer ;

(b) the salaries and allowances of all municipal officers and servants serving under the Education Officer in his office ;

(c) the salaries and allowances of all masters, teachers and other persons employed in the primary schools maintained by the Corporation ;

(d) the contributions to provident fund, pensions, gratuities and compassionate allowances payable by the Corporation to or in respect of, officers and servants employed, or formerly employed, in any of the capacities mentioned in sub-clause (a), (b) or (c) ;

(e) all costs and expenses incurred by the Commissioner in the exercise of any power or the discharge of any duty conferred or imposed upon him for the purposes of clause (g) of section 61, including moneys which he is required or empowered to pay by way of compensation ;

(f) every sum payable under a decree or order of a civil or criminal court passed against the Corporation or against the Commissioner or the Education Officer *ex-officio* in any proceeding arising out of the activities of the Corporation

undertaken for the purposes of clause (g) of section 61, or under a compromise effected under section 517 of any suit or other legal proceeding or claim in like circumstances ;

(g) all interest and debt charges in respect of loans raised for the construction of school buildings or otherwise for the purposes of clause (g) of section 61 ; and

(h) all costs and expenses incurred on account of the maintenance of school clinics, and of the medical inspection of school children.]

¹ SCHEDULE CC.

(See Section 354S.)

Portions of the Land Acquisition Act, 1894, regulating the acquisition of land

² [under Chapter XII-A].

Part I—Preliminary, except clauses (e) and (f) of section 3.

Part II—Acquisition, except sub-section (1) of section 4, section 6 and sub-section (2) of section 17.

Part III—Reference to Court and Procedure thereon, except sub-section (2) of section 23 and clauses (6) and (7) of section 24.

Part IV—Apportionment of compensation.

Part V—Payment.

Part VI—Temporary occupation of land.

Part VIII—Miscellaneous.

¹ SCHEDULE DD.

(See Section 354S.)

Scale of Additional Compensation for compulsory acquisition for improvement purposes.

Amount of compensation awarded.	Percentage to be allowed in addition under section 354S.
Not exceeding ten thousand rupees, or, if the amount exceeds ten thousand rupees for the first ten thousand.	Six per cent.
Exceeding ten thousand, but not exceeding fifty thousand, for the amount by which it exceeds ten thousand.	Four per cent.
Exceeding fifty thousand rupees, but not exceeding one lakh, for the amount by which it exceeds fifty thousand.	Three per cent.
Exceeding one lakh, for the amount by which it exceeds one lakh.	Two and a half per cent.

¹ SCHEDULE EE.

(See Section 136).

Duties and Powers of the Municipal Chief Auditor.

1. (1) The municipal chief auditor shall audit the accounts of the corporation as hereinafter provided, with the assistance of the assistant auditors, clerks and servants appointed under section 78-B of this Act.

(2) In the discharge of his functions under this article the municipal chief auditor shall—

(i) audit the accounts of ⁴*expenditure from the revenue of the corporation expenditure on account of loan works and ⁴*expenditure incurred out of

¹ This Schedule was inserted by Bom. 13 of 1933, s. 37.

² These words were inserted for the words "for improvement purposes" by Bom. 34 of 1954, s. 33.

³ This Schedule was inserted by Bom. 2 of 1938, s. 9.

⁴ The word "all" was deleted by Bom. 76 of 1948, s. 42.

special funds and shall ascertain whether moneys shown therein as having been disbursed were legally available for, and applicable to, the service or purpose to which they have been applied or charged, and whether the expenditure conforms to the authority which governs it ;

(ii) audit the accounts of ¹ *debt, deposit, sinking funds, advances, suspense and remittance transactions of the corporation and report upon those accounts and upon the results of verification of the balances relating thereto.

(3) The municipal chief auditor shall examine and audit the statements of accounts relating to the commercial services conducted in any department of the corporation, including the trading, manufacturing and profit and loss accounts, and the balance sheets where such accounts are maintained under the orders of the ² [corporation, the standing committee or the Bombay Electric Supply and Transport Committee,] and shall certify and report upon these accounts.

(4) The municipal chief auditor shall, in consultation with the standing committee, and subject to any directions given by the corporation, determine the form and manner in which his reports on the accounts of the corporation shall be prepared and shall have authority to call upon any officer of the corporation to provide any information necessary for the preparation of these reports.

2. (1) The municipal chief auditor may make such queries and observations in relation to any of the accounts of the corporation which he is required to audit and call for such vouchers, statements, returns and explanations in relation to such accounts as he may think fit.

(2) Every such query or observation as aforesaid shall be promptly taken into consideration by the officer or authority to whom it may be addressed and returned without delay with the necessary vouchers, documents or explanations to the chief auditor.

(3) The powers of the municipal chief auditor with regard to disapproval of, and the procedure with regard to settlement of objections to expenditure from the revenues of the corporation shall be such as may be prescribed by rules or orders made by the standing committee in consultation with the chief auditor and sanctioned by the corporation ³ [in the case of expenditure debited to the municipal fund and by the Bombay Electric Supply and Transport Committee in the case of expenditure debited to the Bombay Electric Supply and Transport Fund].

3. If the municipal chief auditor considers it desirable that the whole or any part of the audit applied to any accounts which he is required to audit shall be conducted in the offices in which these accounts originate, he may require that these accounts, together with all books and documents having relation thereto, shall at all convenient times be made available in the said offices for inspection.

4. The municipal chief auditor shall have power to require that any books or other documents relating to the accounts he is required to audit shall be sent for inspection by him :

Provided that if the documents are confidential he shall be responsible for preventing disclosure of their contents.

5. The municipal chief auditor shall have authority to frame rules and to give directions on all matters relating to audit, particularly in respect of the method and the extent of audit to be applied and the raising and pursuing of objections.

6. Sanctions to expenditure accorded by the municipal chief auditor shall be audited by an officer to be nominated by the corporation.

¹ The word "all" was deleted by Bom. 76 of 1948, s. 42.

² These words were substituted for the original by Bom. 48 of 1948, s. 60.

³ These words were added, *ibid.*

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(7) *Compulsory acquisition of land.*

41. Recourse to the Land Acquisition Act, 1894. -

(8) *Liabilities of councillors, officers and servants.*

42. Councillors to be held responsible for misapplied funds.
Municipal funds ordinarily liable for all costs and expenses incurred.
43. Officer or servant of any Municipality not to be interested in any contract with such Municipality.
Effect of acquiring such interest.
Saving clause.
44. Penalty for councillor, officer or servant of a Municipality being interested in any contract, etc., with that Municipality.
45. Councillors, etc., to be deemed public servants.

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RULES AND BY-LAWS.

46. Municipalities to make rules :
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for general guidance of municipal servants ;
fixing the amount of the security to be furnished ;
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delegating power to appoint, etc. ;
granting leave to municipal servants ;
fixing pensions, etc. ;
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- 46A. Discretionary power to make rules.
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for regulating dairies and cattle sheds, milk stores, etc. ;
for inspection of weights and measures ;
for defining standard weights and measures ;
for registration of births, etc. ;
regulating the disposal of the dead ;
for enforcing supply of information as to epidemics ;

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for enforcing information as to liability to municipal taxation ;
 octroi by-laws ;
 for protecting water ;
 regulating public baths, etc. ;
 for conservancy ;
 regulating structures and buildings ;
 for providing for streets ;
 for ensuring ventilation ;
 for requiring lighting staircases, etc., at night ;
 requiring qualified surveyors in City Municipalities ;
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- 74. Power of Provincial Government to require Municipalities to impose taxes.

(5) Octroi and tolls.

- 75. Octroi by-laws to be submitted with proposal for imposition of octroi.
- 76. Power to examine articles liable to octroi.
Power to search where octroi is leviable.
- 77. Presentation of bills for octroi.
Penalty of evasion of octroi.
- 78. Tables of tolls to be shown on demand.
- 79. Power to seize vehicle or animal on non-payment of octroi or toll.
Power to sell property seized at once.
Release of property on payment.
Sale.
Surplus how dealt with.
- 80. Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods.
- 81. Collection of octroi by one public body on behalf of others.
- 81A. Farming of tolls.
Person employed by lessee of toll to have power of seizure.

CHAPTER VIII.

RECOVERY OF MUNICIPAL CLAIMS.

- 82. Presentation of bill for taxes.
Contents of bill.
- 83. Warrant by whom to be signed.
To whom warrant should be addressed.
Power of entry under special order.
Warrant how to be executed.
- 84. Sale of goods distrained.
Surplus, if any, how dealt with.
- 84A. Distraint and sale outside the district.
- 85. Fees and costs chargeable.
- 86. Appeals to Magistrates.
- 86A. Entries in assessment list and taxes and decisions to be final.
- 87. Liability of land, buildings, etc., for rates.
- 88. Suspension of power to recover by distress and sale.
- 89. Receipts to be given for all payments.

Amended by Bom. 20 of 1954 ;
 „ „ „ 21 of 1954 ;
 „ „ „ 35 of 1954 ;
 „ „ „ 53 of 1954.

An Act for the better management of municipal affairs in mofussil towns and cities.

WHEREAS it is expedient to consolidate and amend the law relating to the management of municipal affairs in cities and towns in the Bombay Presidency other than ¹[Greater Bombay] ; It is enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be cited as the Bombay District Municipal Act, 1901. Short title.
- (2) It extends to the whole of the Presidency of Bombay, except ¹[Greater Bombay]. Local extent.
- (3) It shall come into force on the first day of April 1901. Commence-
ment.
2. (1) The Bombay District Municipal Acts of 1873 and 1884 are hereby repealed. Repeal.
- Provided that—
 - (a) the said repeal shall not affect the validity or invalidity of anything already done under either of the said enactments ; Saving clause.
 - (b) all municipalities constituted, municipal commissioners appointed or elected, committees established, limits defined, appointments, rules, orders and by-laws made, notifications and notices issued, taxes and rates imposed, contracts entered into, and suits and other proceedings instituted, under the said Acts or under any enactments thereby repealed, shall, so far as may be, be deemed to have been respectively constituted, appointed, elected, established, defined, made, issued, imposed, entered into and instituted under this Act ;
 - (c) any enactment of the Governor of Bombay in Council, or document referring to any such repealed enactment, shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof
- (2) Of the ²Bombay Prevention of Adulteration Act, 1899, in section 5, the whole of sub-section (2), and clause (b) of sub-section (3), and in section 6, the whole of sub-section (2) are hereby repealed.

Bom.
VI of
1873.
Bom.
II of
1884.

Bom.
II of
1899.

3. In this Act and in the schedules, unless there be something repugnant in the subject or context,—

(1) “City Municipality” shall mean any municipality which

(a) ³* * * *

(b) has been declared under sub-section (1) of section 181 a City Municipality, and which has not ceased, under sub-section (2) of section 181, to be a City Municipality ;

¹ These words were substituted for the words “the City of Bombay” by Bom. 17 of 1945, s. 9 Sch. F, read with Bom. 8 of 1950, s. 5.

² On the coming into operation of the provisions of Bom. 5 of 1925, in any local area in respect of any article of food, so much of the Bombay Prevention of Adulteration Act, 1899, (Bom. 2 of 1899), as has not already been repealed, except section 6, shall be deemed to have been repealed, *see* Bom. 5 of 1925, s. 20.

³ Clause (a) was deleted by Bom. 21 of 1954, s. 2. First Schedule.

(2) "Councillor" shall mean any person legally a member of a municipality constituted under this Act ;

¹[(3) "Director of Local Authorities" shall mean the officer appointed for the time being by the State Government to be the Director of Local Authorities ;]

²[(3A) "Municipal Commissioner" shall mean a person appointed under the provisions of section 186A, and shall include a person appointed to act as Municipal Commissioner under sub-section (3) of section 186D ;]

(4) "Judge" shall mean District Judge, Joint Judge, Assistant Judge, Judge of a Court of Small Causes, Subordinate Judge, Joint Subordinate Judge or a Judge appointed under the Dekkhan Agriculturists Relief ³[Acts] 1879 to 1895 ;

(5) "Municipal district" shall mean any local area which is at present a municipal district, and any local area which may hereafter be constituted a municipal district under section 4, if such municipal district has not ceased to exist under the provisions of the said section ;

(6) "Land" shall include land which is built upon or covered with water ;

(7) "Building" shall include any hut, shed or other enclosure, whether used as a human dwelling or otherwise and shall include also walls ⁴[including compound wall and fencing], verandahs, fixed platforms, plinths, door-steps, and the like ;

(8) "Owner" shall include the person for the time being receiving the rent of lands and buildings or either of them, whether on his own account or as agent or trustee for any other person or for any society, or for any religious or charitable purposes, or who would so receive the rent if such land or building were let to a tenant ; Provided that no person receiving the rent of any land or building as agent or trustee for another person, shall be liable to do anything by this Act required to be done by the owner of such land or building which may involve expenditure on the part of such owner, unless he have funds of, or due to, the owner sufficient to pay for the same ; nor shall he be subject to any penalty for omitting to do such act, if he can prove that the default was occasioned by reason of his not having funds of, or due to, the owner sufficient to defray the expense of doing the act required ;

(9) "Salaried ⁵[servant of the "[Government]]" shall not include a retired ⁶[servant of the "[Government]] in receipt of a pension, or a person in receipt of a salary ⁷[from the "[Government]] who is not a full-time ⁸[servant of the "[Government]] ;

(10) "Official year" shall mean the year commencing on the first day of April ;

(11) "Annual letting value" shall mean the annual rent for which any building or land, exclusive of furniture or machinery contained or situated therein or thereon, might reasonably be expected to let from year to year ;

(12) "Street" shall mean any road, footway, square, court, alley or passage accessible whether permanently or temporarily to the public, whether a thoroughfare or not ;

¹ Clause (3) was inserted by Bom. 26 of 1953, s. 2.

² This clause was inserted by s. 2 of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

³ The word "Acts" was substituted for the word "Act" by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. 3 of 1902).

⁴ These words were inserted by Bom. 52 of 1949, s. 2.

⁵ The words "servant of the Crown" were substituted for the words "servant of Government" by the Adaptation of Indian Laws Order in Council.

⁶ This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

⁷ The words "from the Crown" were substituted for the words "from Government", by the Adaptation of Indian Laws Order in Council.

hundred rupees, or such higher amount not exceeding two thousand rupees as the Municipality with the sanction of ¹[the ²[State] Government] may fix in this behalf, or]

³[(viA) having a share or interest in the occasional letting out on hire to the Municipality or, in the hiring from the Municipality, of any article for an amount not exceeding in any official year fifty rupees, or such higher amount not exceeding two hundred rupees as the Municipality with the sanction of ¹[the ²[State] Government] may fix in this behalf, or]

(vii) being a party to any agreement made with the Municipality under the provisions of ⁴[section 71] or of proviso (a) to sub-section (I) of section 156.

5

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*

(2) If any councillor during the term for which he has been elected or appointed—

Disabilities
from
continuing
a councillor.

(a) becomes disqualified under sub-section (I), or

(b) acts as a councillor in any matter—

(i) in which he has directly, or indirectly, by himself or his partner, any such share or interest as is described in clause (i), (ii), (iii), (vi) or (vii) of the proviso to sub-section (I), or

(ii) in which he is professionally interested on behalf of a client, principal or other person; or

⁶[(bb) is professionally interested or engaged in any case for or against the municipality, or]

(c) departs beyond the limits of the presidency with the declared or known intention of absents himself continuously for a period exceeding six months, or

(d) ⁷* * * * *

⁸[(e) not being a president or vice-president or a salaried ⁹[servant of the ¹⁰[Government]], absents himself during four successive months from the meetings of the Municipality, except with the leave of the municipality ;]

¹¹* * * * *

he shall ¹²[subject to the provisions of sub-section (3)] be disabled from continuing to be a councillor and his office shall become vacant.

¹³[Explanation.—For the purposes of clause (e) of this sub-section when a councillor applies for leave of absence, leave of the municipality shall be presumed to have been granted, unless it is refused within a period of ninety days from the date of his application.]

¹ The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

³ These proviso were substituted for the original proviso by s. 5 (2) of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

⁴ This word and these figures were substituted for the word and figures " section 73 " by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. 3 of 1902).

⁵ Sub-sections (IA) and (IB) were deleted, by Bom. 53. of 1954, s. 2.

⁶ Clause (bb) was inserted by Bom. 52 of 1949 s. 3 (3) (a).

⁷ Clause (d) was deleted *ibid*, s. 3 (3) (b).

⁸ This clause was substituted for the original clause by section 5 (3) of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

⁹ The words " servant of the Crown " and " servants of the Crown " were substituted for the words " servant of Government " and " servants of Government " respectively by the Adaptation of Indian Laws Order in Council.

¹⁰ The word " Government " was substituted for the word " Crown " by the Adaptation of Laws Order, 1950.

¹¹ Clause (f) was deleted by Bom. 35 of 1954, s. 3 (2).

¹² This portion was inserted by Bom. 8 of 1939, s. 2 (a) (i).

¹³ This Explanation was added by Bom. 52 of 1949, s. 3 (4).

Powers of [State] Government and of the Commissioner to decide whether vacancy has occurred.

²[(3) In every case, the authority competent to decide whether a vacancy has occurred under this section shall be the Collector. The Collector may give his decision either on an application made to him by any person or on his own motion. Until the Collector decides that the vacancy has arisen, the councillor shall not be disabled under sub-section (2) from continuing to be a councillor. ³[Any person aggrieved by the decision of the Collector may, within a period of fifteen days from the date of such decision, appeal] to the ⁴[State] Government in the case of city municipalities and to the Commissioner in other cases and the orders passed by the ¹[State] Government or the Commissioner in such appeal shall be final:

Provided that no order shall be passed under this sub-section by the Collector against any councillor without giving him a reasonable opportunity of being heard.]

Resignation.

⁴[15A. Any councillor may resign his office by giving notice in writing to that effect to the president, and the president may resign his office by giving notice in writing to that effect to the Commissioner.]

Liability to removal from office.

16. The ⁵[¹[State] Government] ⁶[in the case of City Municipalities, and the Commissioner in other cases,] if ⁷[it or he] thinks fit, on the recommendation of the Municipality, may remove any councillor elected or appointed under this Act, if such councillor has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a councillor.

Term of office.

⁸[17. (1)] Councillors nominated or elected at a general election under this Act shall save as provided in the next following section, or unless they become in the meantime disabled, or are removed from office under section 16, or section 179, hold office for a term of ⁹[four] years, extensible by order of the Commissioner to a term not exceeding in the aggregate ¹⁰[five]* years if on any occasion, the Commissioner shall think fit, for reasons which shall be notified together with the order in the ¹¹[Official Gazette], so to extend the same:

¹²[Provided that before such order is made the Commissioner shall invite and consider objections, if any, from the voters entitled to vote at the municipal election in the municipal district concerned.]

¹ The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

² This sub-section was substituted for the original by Bom. 8 of 1930, s. 2 (a) (ii).

³ These words were substituted for the words "An appeal shall be against every such decision of the Collector" by Bom. 52 of 1949, s. 3 (b).

⁴ Section 15A was inserted by s. 6 of the Bombay District Municipal (Amendment) Act, 1914 (Bom. 8 of 1914).

⁵ The words "Provincial Government" were substituted for the words "Government in Council" by the Adaptation of Indian Laws Order in Council.

⁶ These words were inserted by Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

⁷ The words "it or he" were substituted for the word "he" by the Adaptation of Indian Laws Order in Council.

⁸ Section 17 was renumbered as section 17 (1) by Bom. 26 of 1930, s. 2 (1).

⁹ This word was substituted for the word "three" by Bom. 35 of 1954, s. 4.

¹⁰ This word was substituted for the word "four" *ibid.*

¹¹ The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.

¹² This proviso was added by Bom. 26 of 1930, s. 2 (1).

*Section 3 of Bom. 17 of 1950 reads as follows:—

"3. During the period from the commencement of this Act to 31st March 1952, section 17 of the Bom. Bombay District Municipal Act, 1901, shall have effect as if for the words 'four years', the words 'five years' had been substituted."

Temporary amendment of section 17 of Bom. III of 1901.

¹[(2) (a) The term of office of such councillors shall be deemed to commence on the date of the first general meeting which shall be held after such election and after the expiry of the term of the outgoing councillors hereinbefore provided and at which a quorum shall be present ; and

(b) the term of office of the outgoing councillors shall be deemed to extend to and expire with the day before the date of such meeting.]

²[18. (1)] In the event of the death, resignation, disqualification, disability or ^{Casual} removal of a councillor previous to the expiry of his term of office, the ^{vacancies} vacancy shall be filled up, as soon as it conveniently may be, by the election or appointment, ^{how to be} as the case may be, of a person thereto, who shall hold office so long only as the ^{filled up.} councillor in whose place he is elected or appointed would have held it if the vacancy had not occurred.

³[(2) A Councillor 4* * * * *
whose office has become vacant under sub-section (2) of 5* *
section 15 shall, if his disability has ceased, be eligible for re-election.]

19. A person who has already been elected or appointed a councillor on one ^{Re-eligibility} or more occasions shall, if otherwise duly qualified, be eligible at any time for ^{of councillors} re-election or re-appointment.

20. The names of all councillors finally elected to any Municipality, as well as ^{Publication} the names of the nominated councillors, if any, appointed thereto, shall be published, ^{of names of} as soon as conveniently may be, in the ^{councillors in} ^{the Official} ^{Gazette.} [Official Gazette].

(4) Municipal Elections.

21. [General disqualifications of voters]. Rep. by Bom. 17 of 1950, s. 2 (2).

⁴22. (1) If the validity of any election of a councillor is brought in question by ^{Determina-} any person qualified either to be elected or to vote at the election to which such ^{tion of} question refers, such person may, at any time within ten days after the date of the ^{validity of} declaration of the result of the election, apply to the district Judge of the district ^{elections.} within which the election has been or should have been held :

7* * * * * * * *
(2) ⁸[An inquiry shall thereupon be held by a Judge, not below the grade of an ^{Powers of} Assistant Judge, appointed by the ⁹[¹⁰[State] Government] either specially for the ^{Judge} case or for such cases generally, and such Judge] may, after such inquiry as he ^{holding} deems necessary, and subject to the provisions of sub-section (3), pass an order ^{inquiry.} confirming or amending the declared result of the election, or setting the election aside. For the purposes of the said inquiry the said Judge may summon and enforce the attendance of witnesses, and compel them to give evidence as if he

¹ Sub-section (2) was inserted by Bom. 26 of 1930, s. 2 (2).

² Section 18 was renumbered as section 18 (1) by Bom. 52 of 1949, s. 4.

³ Sub-section (2) was inserted, *ibid.*

⁴ The words, brackets, figures and letter " whose seat has been deemed vacant under sub-section (14) of section 15 or " were deleted by Bom. 53 of 1954, s. 3.

⁵ The words " the said " were deleted, *ibid.*

⁶ The words " Official Gazette " were substituted for the words " Bombay Government Gazette " by the Adaptation of Indian Laws Order in Council.

⁷ Proviso was deleted by Bom. 17 of 1945, s. 3, read with Bom. 8 of 1950.

⁸ These words were substituted for the words " The District Judge or such other Judge as may be appointed by the Government in Council on this behalf " by s. 5 (2) of the Bombay Municipal and Local Board (Amendment) Act, 1917 (Bom. 6 of 1917).

⁹ The words " Provincial Government " were substituted for the words " Governor in Council by the Adaptation of Indian Laws Order in Council.

¹⁰ The word " State " was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

were a Civil Court, and he may also direct by whom the whole or any part of the costs of any such inquiry shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure. The decision or order shall be conclusive. If he sets aside an election, a date shall forthwith be fixed and the necessary steps taken for holding a fresh one.

¹[(2A) All applications received under sub-section (1) —

(a) in which the validity of the election of councillors elected to represent the same constituency is in question shall be heard by the same Judge ; and

(b) in which the validity of the election of the same councillor elected to represent the same constituency is in question shall be heard together.

Explanation.—For the purposes of this sub-section a constituency shall mean each ward or a public body or association constituted or entitled to elect councillors.]

¹[(2B) Notwithstanding anything contained in the Code of Civil Procedure, 1908, ^{V of 1908.} the Judge shall not permit (a) any application to be compromised or withdrawn or (b) any person to alter or amend any pleading, unless he is satisfied that such application for compromise or withdrawal or the application for such alteration or amendment is *bona fide* and not collusive.]

Declaration
in case of
corrupt
practice
by a candi-
date.

(3) (a) The Judge, if satisfied that a candidate has, within the meaning of sub-section (4), committed any corrupt practice for the purpose of the election, shall declare the candidate disqualified both for the purpose of that election, and of such fresh election as may be held under sub-section (2), and shall set aside the election of such candidate if he has been elected.

Scrutiny
of votes
and
declaration
in other
cases.

(b) if in any case to which clause (a) does not apply, the validity of an election is in dispute between two or more candidates, the Judge shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour, to have been duly elected :

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person, known or unknown in giving or obtaining it :

²[Provided further that after such computation, if any equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, one additional vote shall be added to the total number of valid votes found to have been recorded in favour of the candidate, or candidates, as the case may be, selected by lot drawn in the presence of the Judge in such manner as he may determine.]

What is
a corrupt
practice.

(4) A person shall be deemed to have committed a corrupt practice within the meaning of the last preceding sub-section,

(i) who with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit or holds out any threat of injury, to any person, or,

(ii) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote ³[, or

(iii) who hires or procures, whether on payment or otherwise, any vehicle or vessel for the conveyance of any voter to. or from. any polling station :

¹ Sub-sections (2A) and (2B) were inserted by Bom. 14 of 1996, s. 2 (1).

² This proviso was added by Bom. 52 of 1949, s. 5.

³ The word "or" and clause (iii) were inserted by Bom. 35 of 1954, s. 5.

¹[(kk) for securing an adequate supply of pure water to persons occupying residential premises ;]

(l) regulating the use of public bathing and washing places within municipal limits ; regulating public baths, etc.,

(m) regulating sanitation and conservancy and the disposal of carcasses of dead animals ; for conservancy.

(n) regulating the conditions on which permission may be given for the temporary occupation of, or the erection of temporary structures on, public streets or for projections over public streets and regulating the structure and dimensions of plinths, walls, foundations, roofs and chimneys of new buildings for the purpose of securing stability and the prevention of fires, and for purposes of health ; regulating structures and buildings ;

(o) for preventing the erection of buildings without adequate provision being made for the laying out and location of streets ; for providing for streets ;

(p) for ensuring the adequate ventilation of buildings by the provision and maintenance of sufficient open space either internal or external and of doors and windows and other means for securing a free circulation of air ; and for ensuring ventilation ;

¹[(pp) for requiring an owner of a building divided into two or more separate tenements to provide adequate means of lighting at night time a staircase, passage or private court of or in any such building or the spaces near or leading to latrines or urinals or washing places therein and of extinguishing such lights ; for requiring lighting staircases, etc., at night.

(q) ^{3*} * * prescribing the qualifications of surveyors or persons by whom plans required under section 96 are to be prepared, or of plumbers ; for licensing persons to be surveyors or plumbers, and fixing the fees chargeable for such licences ; and for modifying the provisions of, or revoking such licences ; and prohibiting any alterations or repairs or fittings to water or drainage-pipes or house-connections being carried out or made, except by such persons ; requiring qualified surveyors ;

(r) regulating, in any other particular not specifically provided for in this Act, the construction, maintenance and control of drains, sewers, ventilation shafts, receptacles for dung and manure, cesspools, water closets, privies, latrines, urinals, and drainage or sewerage works of every description whether the property of the Municipality or not ; control of drains ;

(s) determining the information and plans to be required by the Municipality under sections 91 and 96 ; requiring information and plans in certain cases ;

(t) prohibiting the transit of any vehicles of such form, construction, weight or size or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway, or to any construction thereon, or risk or obstruction to other vehicles or to pedestrians along or over any street, except under such conditions as to time, mode of traction or locomotion, use of appliances for controlling unwieldy traffic, and

¹ Clause (kk) was inserted by Bom. 52 of 1949, s. 9 (iii).

² Clause (pp) was inserted by Bom. 53 of 1954, s. 4.

³ The words " in a City Municipality " and the words " in City Municipalities " in the marginal note were deleted by Bom. 51 of 1949, s. 9 (iv).

for protection of the roadway, number of lights and assistants, and other general precautions as may be prescribed, either generally in such by-laws, or in special licences to be granted in each case upon such terms as to time of application and payment of fees therefor as may be prescribed in such by-laws :

Provided that no such by-law relating only to any particular street or portion of a street shall be deemed to be in force, unless and until notices of such prohibition shall have been posted up by the Municipality in conspicuous places at or near both ends of such street or portion of a street ;

¹[(u) prescribing the conditions on or subject to which licences may be granted refused, suspended or withdrawn, for the use of hand-carts and hand-barrows, other than those plying for hire in respect of which licences have been granted under the Bombay Public Conveyances Act, 1920, and providing for the seizure and detention of any hand-carts or hand-barrows which have not been duly licensed in pursuance of the by-laws made under this section ;

Bom.
VII of
1920.

(v) prescribing the conditions on or subject to which licences may be granted, refused, suspended or withdrawn for hawking or exposing for sale in any public place or street any article whatsoever whether it be for human consumption or not ;]

regulating
municipal
adminis-
tration.

¹[(w) generally for the regulation of all matters relating to municipal administration.

Fine may
be imposed
for infringe-
ment of
by-laws.

And every Municipality may, with the like sanction, prescribe a fine not exceeding five hundred rupees for the infringement of any such by-law.

²[(1a) Every Municipality may, from time to time, with the previous sanction, in the case of city municipalities, of the Central Government, and in other cases, of the Commissioner, make, alter or rescind by-laws, but not so as to render them inconsistent with this Act, for the taking of a census within the municipal district and for enforcing the supply of such information as may be necessary to make the census effective.]

Publication
of drafts of
proposed
by-laws.

(2) Every Municipality shall, before making any by-law under this section, publish in such manner as shall in their opinion be sufficient, for the information of the persons likely to be affected thereby, a draft of the proposed by-law, together with a notice specifying a date on or after which the draft will be taken into consideration, and shall, before making the by-law receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

Objections
and sug-
gestions to
be submitted
to Central
Government
or Commis-
sioner as the
case may be.

(3) When any by-law made by a Municipality is submitted to the ³[Central Government], ⁴[State] Government] or Commissioner for sanction, a copy of the notice published as aforesaid, and of every objection or suggestion so made, shall be submitted for the information of the ³[Central Government], ⁴[State] Government] or Commissioner along with the said by-law.

¹ Clauses (u) and (v) were inserted and the original clause (u) was renumbered as cl. (w) by Bom. 52 of 1949, s. 9 (v).

² Sub-section (1a) was inserted by the Adaptation of Indian Laws Order in Council.

³ The words "Central Government" were inserted, *ibid.*

⁴ The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

⁵ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

¹[67A. (1) Where in any year a new assessment list is prepared, or a list is revised, or the valuation and assessment contained in the list for the year immediately preceding is adopted with or without alteration, such new, revised or adopted assessment list shall be authenticated in the manner provided by section 65 at any time not later than the thirty-first day of July of the official year to which the list relates; and if it is not so authenticated, then the State Government shall appoint such person or persons as it thinks fit to prepare, revise or adopt and authenticate the assessment list, and thereupon such person or persons shall duly authenticate such list at any time not later than the last day of the official year to which such list relates and the provisions of sections 63 to 65 or section 67 shall, as far as may be, apply to the preparation, revision or adoption of the list, as the case may be, by the person or persons appointed by the State Government.

Power of State Government to appoint person to prepare and authenticate list in case of default by municipality.

(2) Where the State Government appoints any person or persons for the purpose of preparing, revising or adopting and authenticating an assessment list under sub-section (1), the expenses incurred by such person or persons for such purpose and the reasonable remuneration payable to such person or persons shall be recovered by the State Government in the manner provided by section 178.]

68. Every tax imposed in the form of a rate on buildings or lands or on both, shall be leviable primarily from the actual occupier of the property upon which the said taxes are assessed, if he is the owner of the buildings or land or holds them or a building or other lease from the ²[Government] or from the Municipality, or on a building lease from any person. Otherwise the said tax shall be primarily leviable as follows, namely :—

Tax from whom primarily leviable.

(a) if the property is let, from the lessor ;

(b) if the property is sublet, from the superior lessor ;

(c) if the property is unlet, from the person in whom the right to let the same vests :

Provided that on failure to recover any sum due on account of such tax from the person primarily liable, such portion of the sum may be recovered from the occupier of any part of the buildings or lands in respect of which it is due as bears to the whole amount due the same ratio which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect for the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment-list, whichever of those two amounts is the greater :

Recovery from occupiers.

¹ Section 67A was inserted by Bom. 53 of 1954, s. 5.

² This word was substituted for the word " Crown " by the Adaptation of Laws Order, 1950.

THE MAMLATDARS' COURTS ACT, 1906.

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BOMBAY ACT No. II OF 1906.¹

[THE MAMLATDARS' COURTS ACT, 1906.]

[29th October 1906]

Amended by Bom. 7 of 1926² (when notified).

" " " 11 of 1928.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

*Amended by Bom. 24 of 1942.

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 66 of 1954.

An Act to consolidate and amend the law relating to the powers and procedure of Mamlatdars' Courts.

WHEREAS it is expedient to consolidate and amend the law relating to the powers and procedure of Mamlatdars' Courts; It is hereby enacted as follows:—

1. (1) This Act may be called the Mamlatdars' Courts Act, 1906. Short title.
- (2) It shall extend to the whole of the Bombay Presidency, except the City of Bombay. Local extent.
2. The Mamlatdars' Courts Act, 1876, is hereby repealed. Repeal of Bom Act III of 1876.
3. In this Act, unless there is anything repugnant in the subject or context,
- (a) the word "Mamlatdar" shall include any Revenue-officer exercising for the time being the powers of a Mamlatdar, of a Mukhtyarkar, or of a Mahalkari, and any other person who may be specially authorized by the ³[⁴State] Government] to exercise the powers of a Mamlatdar under this Act; and
- (b) the words "plaintiff" and "defendant" shall include
- (i) a pleader duly appointed to act on behalf of such plaintiff or defendant, and
- (ii) the recognized agent of a plaintiff or defendant as defined in section 37 of the ⁵Code of Civil Procedure.
4. (1) The ³[⁴State] Government] may, by notification in the ⁶[*Official Gazette*], appoint in any taluka a Joint Mamlatdar under this Act who shall be invested with co-extensive powers and a concurrent jurisdiction with the Mamlatdar, except that he shall dispose of such suits only as he may receive from the Mamlatdar. Power to appoint Joint Mamlatdar.
- (2) The Mamlatdar is hereby empowered to transfer to the Joint Mamlatdar for disposal any suit under this Act the plaint in which has been presented to the Mamlatdar under section 7, and to re-transfer to his own file any such suit, of which the Joint Mamlatdar is, owing to death, sickness or any other cause unable to dispose. Power of Mamlatdar to transfer suits to the Joint Mamlatdar.
- (3) The ³[⁴State] Government] may delegate ⁷[its] powers under sub-section (1) to the Commissioner. Delegation of powers to Commissioner.

* This Act was repealed and section 2 thereof was re-enacted by Bom. 42 of 1947, s. 2.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette* 1905, Pt. VII, p. 520; for Report of Select Committee, see *ibid.*, p. 1906, Pt. VII, p. 5; and for Proceedings in Council, see *ibid.*, 1905, Pt. VII, p. 578; *ibid.*, 1906, Pt. VII, pp. 31 and 189.

² The words "and Aden" were omitted by the Adaptation of Indian Laws Order in Council

³ The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

⁴ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁵ See now the Code of Civil Procedure, 1908 (Act 5 of 1908).

⁶ The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

⁷ The word "its" was substituted for the word "his", *ibid.*

Powers of
Mamlatdars'
Courts.

5. (1) Every Mamlatdar shall preside over a Court, which shall be called a Mamlatdar's Court, and which shall, subject to the provisions of sections 6 and 26, have power, within such territorial limits as may from time to time be ¹fixed by the State Government,—

(a) to remove or cause to be removed any impediment, erected otherwise than under due authority of law, to the natural flow in a defined channel or otherwise of any surface water naturally rising in or falling on any land used for agriculture, grazing, trees or crops, on to any adjacent land, where such impediment causes or is likely to cause damage to the land used for such purpose or to any such grazing, trees or crops thereon ;

(b) to give immediate possession.] of any lands or premises used for agriculture or grazing, or trees, or crops, or fisheries, or to restore the use of water from any well, tank, canal or water-course, whether natural or artificial, used for agricultural purposes to any person who has been dispossessed or deprived thereof otherwise than by due course of law, or who has become entitled to the possession or restoration thereof by reason of the determination of any tenancy or other right of any other person, not being a person who has been a former owner or part-owner, within a period of twelve years before the institution of the suit of the property or use claimed, or who is the legal representative of such former owner or part-owner :

Provided that, if in any case the Mamlatdar considers it inequitable or unduly harsh ²[to remove or cause to be removed any such impediment or], to give possession of any such property or to restore any such use to a person who has become entitled thereto merely by reason of the determination of any such tenancy or other right, or if it appears to him that such case can be more suitably dealt with by a Civil Court, he may in his discretion refuse to exercise the power aforesaid, but shall record in writing his reasons for such refusal.

Power to
issue
injunction.

(2) The said Court shall also, subject to the same provisions, have power within the said limits, ³[where any impediment referred to in sub-section (1) is erected, or an attempt has been made to erect it, or], when any person is otherwise than by due course of law disturbed or obstructed, or when an attempt has been made so to disturb or obstruct any person, in the possession of any lands or premises used for agriculture or grazing, or trees, or crops, or fisheries, or in the use of water from any well, tank, canal or water-course, whether natural or artificial, used for agricultural purposes, or in the use of roads or customary ways thereto, to issue an injunction to the person ⁴[erecting or who has attempted to erect such impediment, or] causing, or who has attempted to cause, such disturbance or obstruction, requiring him to refrain ⁵[from erecting or attempting to erect any such impediment or], from causing or attempting to cause any further such disturbance or obstruction.

¹ These words, brackets and letters were substituted for the words " fixed by the State Government to give immediate possession " by Bom. 66 of 1954, s. 2 (1) (i).

² These words were inserted, *ibid.*, s. 2 (1) (ii).

³ These words, brackets and figures were inserted, *ibid.*, s. 2 (2) (a).

⁴ These words were inserted *ibid.*, s. 2 (2) (b).

⁵ These words were inserted *ibid.*, s. 2 (2) (c).

(3) No suit shall be entertained by a Mamlatdar's Court unless it is brought within six months from the date on which the cause of action arose. Suits to be filed within six months.

(4) The cause of action shall be deemed to have arisen on the date on which the ¹[impediment to the natural flow of surface water or the] dispossession, deprivation or determination, of tenancy or other right occurred, or on which the ²[impediment,] disturbance or obstruction, or the attempted ³[impediment or] disturbance or obstruction, first commenced. Cause of action.

Explanation.—The exercise by a joint owner of any right which he has over the joint property is not a dispossession, or disturbance of possession of the other joint owner or owners within the meaning of this section.

Illustration I.

A lets B his field to cultivate for a specific period of one or more years. B refuses to resign possession after the expiration of that period. A can sue for possession in the Mamlatdar's Court at any time within 6 months from the date of the expiration of the said period, unless B is a person who has been a former owner or part-owner within a period of twelve years before the institution of the suit of the property, or who is the legal representative of such former owner or part-owner.

Illustration II.

Bom. V of 1879. B is a yearly tenant of A, who gives him a notice to vacate, as he is bound to do under section 84 of the Bombay Land Revenue Code, 1879, at least three months before the end of the then current year of tenancy. At the commencement of the next year B refuses to vacate. A can sue B in the Mamlatdar's Court at any time within six months from the commencement of that year, unless B is a person who has been a former owner or part-owner within a period of twelve years before the institution of the suit of the property, or who is the legal representative of such former owner or part-owner.

Illustration III.

A allows B the use of water from his well, or from his water-course, for a specific period, at the expiration of which B continues to take water from the well or water-course without A's consent. A may sue B in the Mamlatdar's Court at any time within six months from the expiration of the said period to obtain an injunction to stop B from taking the water, unless B is a person who has been a former owner or part-owner within a period of twelve years before the institution of the suit of the use of the water, or who is the legal representative of such former owner or part-owner.

Illustration IV.

A and B hold lands adjacent to a पट or फाँस, or similar artificial water-course which has hitherto been exclusively used by B. A draws water therefrom. B may sue in the Mamlatdar's Court, at any time within six months from the date on which A commences to take the water, for an injunction to prevent A from so doing.

6. The Collector may, after due notice to the parties, by order in writing transfer any suit from any Mamlatdar's Court in his district to any other Mamlatdar's Court in his district, and the Mamlatdar's Court to which the suit is so transferred shall thereupon exercise jurisdiction in such suit; but any order issued to village-officers under section 21 shall be issued by the Mamlatdar to whom such village-officers are subordinate. Power of Collector to transfer suits.

¹ These words were inserted by Bom. 66 of 1954, s. 2 (3) (a).

² This word was inserted *ibid.*, s. 2 (3) (b).

³ These words were inserted, *ibid.*, s. 2 (3) (c).

Suits commenced by plaintiff.
Contents of plaintiff.

7. All suits under this Act shall be commenced by a plaint, which shall be presented to the Mamlatdar in open Court by the plaintiff, and which shall contain the following particulars :—

- (a) the name, age, religion, caste, profession and place of abode of the plaintiff ;
- (b) the name, age, religion, caste, profession and place of abode of the defendant ;
- [(bb) the nature and situation of the impediment erected and the situation of the lands which are adjacent to each other, and the nature of the relief sought ;]
- (c) the nature and situation of the property of which possession or use is sought, or the nature of the injunction to be granted, as the case may be ;
- (d) the date on which the cause of action arose ;
- (e) the circumstances out of which the cause of action arose ; and
- (f) a list of the plaintiff's documents, if any, and of his witnesses, if any, showing what evidence is required from each witness, and whether such witnesses are to be summoned to attend, or whether the plaintiff will produce them on the day and at the place to be fixed under section 14.

Informal petitions to be treated as plaints.

8. Where a petition not in the form of a plaint is presented to the Mamlatdar and the subject matter thereof appears to fall within the scope of section 5, the Mamlatdar shall explain to the person presenting the petition the nature of the reliefs afforded by this Act and shall inquire whether the petitioner desires to obtain relief thereby. If the petitioner expresses a desire so to obtain relief, the Mamlatdar shall endorse the desire on the petition which shall thereupon be deemed to be a plaint presented under section 7.

Examination of plaintiff on oath.

9. Where the plaint does not contain the particulars specified in section 7 or is unnecessarily prolix, the Mamlatdar shall forthwith examine the plaintiff upon oath and ascertain from him such of the particulars specified in section 7 as are not clearly and correctly stated in the plaint and shall reduce the examination to writing in the form of an endorsement on or annexure to the plaint which shall thereupon be deemed to be part of the plaint. Where the plaintiff requires time to obtain any of the particulars specified in section 7, the Mamlatdar shall grant him such time as may under all the circumstances appear reasonable.

Plaint to be subscribed and verified.

10. When the plaint is presented, and has, if necessary, been treated in the manner specified in section 9, the Mamlatdar shall require the plaintiff to subscribe and verify the plaint in his presence, in open Court, in the manner following, or to the like effect :—

“I, A. B., the plaintiff, do declare that what is stated in this plaint is true to the best of my information and belief.”

Endorsement by Mamlatdar.

11. (1) The Mamlatdar shall endorse the plaint to the effect that it was duly subscribed and verified.

Procedure where plaintiff cannot write.

(2) Where the plaintiff cannot write, the verification may be written for him in open Court and he shall affix his mark to his name in token of the authenticity of the verification, and the Mamlatdar shall, in such case, record that the verification was made in his presence at the request of the plaintiff, and that his mark was so affixed.

Rejection of plaint.

12. The Mamlatdar shall reject the plaint—

- (a) where the plaintiff declines to make a statement on oath under section 9 ;—or

(b) where the plaintiff is willing to make or has made a statement on oath under section 9, but fails to furnish the particulars specified in section 7 within the time fixed under section 9 or altogether ; or

(c) where it appears upon the face of the plaint,

(i) that the property or use claimed is not one of the kind specified in section 5, or

(ii) that the cause of action arose more than six months before the plaint was presented ; or

(d) where the plaintiff declines to subscribe or verify the plaint as required by sections 10 and 11.

13. Where it appears to the Mamlatdar that the subject of the plaint is Return of not within his jurisdiction, he shall return the plaint to be presented in the proper Court.

14. (1) Where a plaint is admissible, the Mamlatdar shall receive and file it. He shall then fix a convenient day and place for the trial of the case, and shall issue, at the expense of the plaintiff, notice in the form of Schedule A to the defendant. He shall then require the plaintiff to appear with his documents, if any, and witnesses, if any, on the day and at the place fixed. Procedure where plaint admissible.

(2) The date to be fixed for the trial of the case shall not be earlier than ten days, nor later than fifteen days, from the day on which the notice is issued, except for sufficient reason to be recorded in writing by the Mamlatdar with his own hand.

(3) The place to be fixed for the trial of the case may be in the Mamlatdar's office, or at or near the scene of dispute, or at any other spot that the Mamlatdar considers convenient to the parties.

15. (1) Where either party requires any witness to be summoned to appear on the day and at the place fixed, the Mamlatdar shall issue a summons for that purpose. Attendance of witnesses.

(2) The Mamlatdar may issue, after recording his reasons in writing, a warrant for the arrest of any such witness if at such time he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure.

(3) The payment of the cost incurred in thus procuring the attendance of witnesses shall be regulated in accordance with the rules that may from time to time be in force in regard to the attendance of witnesses in Subordinate Civil Courts.

16. (1) Where the plaintiff fails to attend, or to produce his documents, if any, or to adopt measures to procure the attendance of his witnesses, if any, on the day and at the place fixed, the Mamlatdar shall reject the plaint with costs, whether the defendant appears or not, unless the defendant admits the claim. Where plaintiff makes default, plaint to be rejected with costs.

(2) Where the plaintiff attends as required by section 14, sub-section (1), but the defendant fails to attend, and the Mamlatdar is satisfied from the evidence before him that the notice has been duly served on the defendant and in sufficient time to enable the defendant to appear and answer on the day fixed in the notice, he shall proceed to hear and decide the plaint *ex parte*. Where defendant does not appear, case to be heard *ex parte*.

Provided, *firstly*, that if either party satisfies the Mamlatdar at any time within thirty days from the date of the rejection of a plaint under sub-section (1), or of an *ex parte* decision under sub-section (2), that he was prevented by some unavoidable circumstance from attending, or from producing his documents or from But case may be reheard on sufficient cause being shown.

adopting measures to procure the attendance of his witnesses, as the case may be, it shall be lawful for the Mamlatdar to issue a notice in the form of Schedule B at the expense of the applicant to the opposite party and, if still satisfied after hearing the opposite party that the applicant was prevented as alleged, to re-hear the case at such time and place as he may then fix :

or plaintiff
may with-
draw his suit.

Provided, *secondly*, that nothing in the foregoing provisions shall prevent the plaintiff from withdrawing his suit on payment of the defendant's costs.

When pro-
ceedings
may be
adjourned.

17. (1) Where, in the case mentioned in sub-section (2) of section 16, the Mamlatdar is not satisfied from the evidence before him that the notice has been duly served on the defendant, and in sufficient time to enable the defendant to appear and answer on the day fixed in the notice, he shall adjourn the trial of the case and issue a fresh notice under section 14, sub-section (1), to the defendant.

(2) Where any witness who has been duly summoned, or for whose arrest a warrant has been issued under sub-section (2) of section 15, fails to attend on the day and at the place fixed, the Mamlatdar may, if he considers there is sufficient reason, after taking the evidence of those present, adjourn the hearing of the suit from time to time till the attendance of such witness can be enforced.

(3) The Mamlatdar may, for any other sufficient reason to be recorded in writing, adjourn the trial of the case for such time as he thinks fit, but not ordinarily exceeding ten days.

(4) The provisions of sections 15 and 16 shall apply in respect of any day to which the trial of the case may be adjourned under this section, as if such day were the day originally fixed for the trial.

Minor may
be a party.

18. (1) A minor may sue or be sued, if he is represented by a natural or duly appointed guardian.

Power to
add parties.

(2) The Mamlatdar may, at any stage of the proceedings, order that the name of any person to whom possession or enjoyment of the property or use claimed, or of any part thereof, may have been transferred, or the addition of whom as a party appears necessary in order to enable the Court effectually and completely to adjudicate upon the issues, be added as a plaintiff or defendant, as the circumstances of the case may require :

Provided that no person shall be added as a plaintiff without his consent :

Provided also that in respect of any person so added, not being a transferee pending the suit, the suit shall for the purposes of section 5, sub-section (3), be deemed to have been instituted on the day when his name was so added.

Procedure in
case of
death of
party.

(3) In case of the death of any party while the suit is pending,

(i) if application is made within one month of such death, the Mamlatdar shall determine summarily who is the legal representative of the deceased party and shall enter on the record the name of such representative ;

(ii) if no such application is made, the suit shall abate.

(4) Where the Mamlatdar orders the name of any person to be added as a defendant or enters on the record the name of any person as the legal representative of a deceased defendant, the Mamlatdar shall issue to such person a notice as provided in section 14 ; and the trial shall proceed on the date fixed in such notice.

19. (7) On the day fixed, or on any day to which the proceedings may have been adjourned, the Mamlatdar shall, subject to the provisions of section 16, proceed to hear all the evidence that is then and there before him, ^{Points to be decided by Mamlatdar at hearing.} [and to try the following issues, namely :—

(aa) If the plaintiff avers that the natural flow of surface water from his land has been impeded by any erection raised by the defendant causing damage or likelihood of damage to the plaintiff's land or to any grazing, trees or crops thereon—

(1) whether surface water flowed, in a defined channel or otherwise, naturally from plaintiff's land on to defendant's land ;

(2) whether the defendant erected any impediment to such flow, otherwise than under due authority of law ;

(3) whether such erection impeded such natural flow of water within six months before the suit was filed ;

(4) whether such impediment has caused or is likely to cause damage to plaintiff's land or to any grazing, trees or crops thereon ;]

(a) If the plaintiff avers that he has been unlawfully dispossessed of any property or deprived of any use—

(1) whether the plaintiff or any person on his behalf or through whom he claims was in possession or enjoyment of the property or use claimed up to any time within six months before the suit was filed ;

(2) whether the defendant is in possession at the time of the suit, and, if so, whether he obtained possession otherwise than by due course of law ;

(b) if the plaintiff avers that he is entitled to possession of any property or restoration of any use by reason of the determination of any tenure or other right of the defendant in respect thereof—

(1) whether the defendant is in possession of the property or in the enjoyment of the use by a right derived from the plaintiff or from any person through whom he claims ;

(2) whether such right has determined at any time within six months before the suit was filed ;

(3) whether the defendant is other than a person who has been a former owner or part-owner within a period of twelve years before the institution of the suit of the property or use claimed, and other than the legal representative of such former owner or part-owner ;

(c) if the plaintiff avers that he is still in possession of the property or in the enjoyment of the use, but that the defendant disturbs or obstructs, or has attempted to disturb or obstruct, him in his possession or use—

(1) whether the plaintiff or any person in his behalf is actually in possession or enjoyment of the property or use claimed ;

(2) whether the defendant is disturbing or obstructing, or has attempted to disturb or obstruct, him in such possession or enjoyment ;

(3) whether such disturbance or obstruction, or such attempted disturbance or obstruction, first commenced within six months before the suit was filed.

(2) The Mamlatdar may, after due notice to, and in the presence of, the parties, summon and examine as a witness any person who has not been summoned or produced, and may call for and cause to be proved any document which has not been applied for or produced, by either of the parties, where he considers it expedient in the interests of justice so to do, and may, if he thinks fit, make a personal inspection of the property in dispute in the presence of, or after due notice to, the parties. ^{Power of Mamlatdar to examine other witnesses and inspect property in dispute.}

¹ These words, brackets, letters, figures and punctuation marks were substituted for the original by Bom. 66 of 1954, s. 4.

¹[He shall without unnecessary delay record a memorandum after hearing the parties on the spot, if present, of any relevant facts observed at such inspection. The memorandum shall form part of the record of the case.]

Record of proceedings by Mamlatdar.

Orders to be passed by Mamlatdar upon decisions in favour of plaintiff and defendant.

(3) The Mamlatdar shall with his own hand make or sign a memorandum of the substance of the evidence of each witness as the examination of the witness proceeds, and briefly record his reasons for his finding.

(4) Where the Mamlatdar's finding upon the issues is in favour of the plaintiff, he shall make such order, not being in excess of the powers vested in him by section 5, as the circumstances of the case appear to him to require; and where his finding is in favour of the defendant, he shall dismiss the suit. In either case the costs of the suit, including the costs of execution, shall follow the decision.

Mamlatdar's order to be endorsed on plaint and read out in open Court.

20. Every order of the Mamlatdar, whether for rejecting or returning a plaint or whether for allowing or disallowing a claim, shall be endorsed by the Mamlatdar on the plaint and shall be read out by him in open Court, either at once or on some future day of which due notice shall be given to the parties or their pleaders, and brief reasons for the order shall be placed by him on record.

Mamlatdar's decision how executed.

21. (1) Where the Mamlatdar's decision is for ²[removal of an impediment or for] awarding possession or restoring a use, he shall give effect thereto by issuing such orders to the village-officers, or to any subordinate under his control or otherwise, as he thinks fit:

Proviso as to growing crops.

Provided that, notwithstanding anything contained in this Act, where at the time when a decision is recorded by the Mamlatdar for ³[removal of the impediment erected on any land or for] awarding possession of any land, there is a crop on such land which has been sown by, or at the expense of, the defendant, and the Mamlatdar is satisfied that it has been so sown in good faith, the Mamlatdar may, and if the defendant makes an application for the purpose and furnishes sufficient security, or deposits in Court a sufficient sum, for the payment of the costs of the suit, shall pass an order staying delivery of possession of such land to the plaintiff seeking possession thereof, either—

(a) until the plaintiff agrees to take the crop at a valuation, to be made under the orders of the Mamlatdar, according to the value of the crop at such time, including any instalments of the Government assessment which the defendant may have paid for the current year; or

(b) where the plaintiff is unwilling to take the crop at such valuation until after the expiration of sufficient time for the crop to be gathered by the defendant.

The amount of any valuation made under clause (a) of the proviso to this subsection shall be paid to the defendant through the Mamlatdar, and shall be recoverable from the plaintiff as an arrear of land-revenue.

Mode of serving injunction.

(2) Where the Mamlatdar's decision is for granting an injunction, he shall cause the same to be ⁴[prepared in the form of Schedule BB or C, as the case may be,] and shall deliver or tender the same then and there to the defendant, if present, or if the defendant is not present, shall send it to the village-officers, or to any subordinate under his control, to be served upon the defendant.

Recovery of costs awarded.

(3) Where the Mamlatdar awards costs, such costs, together with the costs of execution, shall be recoverable from the party ordered to pay them as an arrear of land-revenue.

¹ These words were added by Bom. II of 1928, s. 2, First Schedule.

² These words were inserted by Bom. 66 of 1954, s. 5 (1) (a).

³ These words were inserted *ibid.*, s. 5 (1) (b).

⁴ These words and letters were substituted for the original, *ibid.*, s. 5. (2).

XLV
of
1880.

(4) Any person disobeying an injunction granted under sub-section (2) shall be punishable under section 188 of the ¹Indian Penal Code..

Disobedience
to an injunction
how
punishable

22. ²[Subject to the provisions of section 23, sub-section (2), the party in favour of whom the Mamlatdar issues an order for removal of an impediment or the party to whom the Mamlatdar gives possession or restores a use, or in whose favour an injunction is granted, shall continue to have the surface water upon his land flow unimpeded on to adjacent land or continue in possession or use, as the case may be, until otherwise decreed or ordered, or until ousted, by a competent Civil Court]:

Possession
to be given
without
prejudice to
rights of
parties.

Provided, *firstly*, that nothing in this section shall prevent the party against whom the Mamlatdar's decision is passed from recovering by a suit in a competent Civil Court mesne profits for the time he has been kept out of possession of any property, or out of enjoyment of any use :

Provided, *secondly*, that in any subsequent suit or other proceeding in any Civil Court between the same parties, or other persons claiming under them the Mamlatdar's decision respecting the possession of any property or the enjoyment of any use or respecting the title to or valuation of any crop dealt with under the proviso to sub-section (1) of section 21, shall not be held to be conclusive.

23. (1) There shall be no appeal from any order passed by a Mamlatdar under this Act.

Bar of
appeal.

(2) But the Collector may call for and examine the record of any suit under this Act, and if he considers that any proceeding, finding or order in such suit is illegal or improper, may, after due notice to the parties, pass such order thereon, not inconsistent with this Act, as he thinks fit.

Collector's
power to
revise Mam-
latdar's
proceedings.

³[(2A) The Collector may delegate the powers conferred on him by this section to any Assistant Collector or Deputy Collector subordinate to him] ;

Delegation
to Collector's
powers.

(3) Where the Collector, ⁴[Assistant Collector or Deputy Collector] takes any proceedings under this Act he shall be deemed to be a Court under this Act.

Collector
deemed to be
a Court.

24. [Powers of the Court of the Judicial Commissioner of Sind.] Omitted by the Adaptation of Laws Order, 1950.

25. Any plaintiff subscribing and verifying any plaint under this Act which he either knows or believes to be false, or does not believe to be true, in any material point, shall be deemed to have committed an offence punishable under section 193 of the ¹Indian Penal Code.

Punishment
for verification
of false
plaint.

XLV
of
1880.

26. No suit shall lie under this Act—

(a) ⁵[against Government or against any Government officer] in respect of any act done or purporting to be done by any such officer in his official capacity, except where acting as a manager or guardian duly constituted under any law for the time being in force ; or

Bar of cer-
tain suits.

(b) in respect of ⁶[any removal of any impediment or of] any dispossession, recovery of possession or disturbance of possession, that has been the subject of previous proceedings, to which the plaintiff or his predecessor in interest was a party, under this Act, or in a Civil Court, or under Chapter XII of the Code of Criminal Procedure, 1898.

V of
1898.

¹ Central Acts.

² This portion was substituted for the original by Bom. 66 of 1954, s. 6.

³ This sub-section was inserted by Bom. 24 of 1942, s. 2 (a) read with Bom. 42 of 1947, s. 2.

⁴ These words were inserted, *ibid.*, s. 2 (b).

⁵ These words were substituted for the words " against the Crown or against any servant of the Crown " by the Adaptation of Laws Order, 1950.

⁶ These words were inserted by Bom. 66 of 1954, s. 7.

SCHEDULE A.

FORM OF NOTICE TO BE ISSUED TO THE DEFENDANT UNDER SECTION 14.



No. OF SUIT.

In the Court of the Mamlatdar of

*Plaintiff.**Defendant.*

TO DEFENDANT—(name, age, religion, caste, profession and place of abode).

WHEREAS (here enter the name, age, religion, caste, profession and place of abode of the plaintiff) has instituted a suit in this Court against you (here state the particulars of the plaint) :

You are hereby summoned to appear in this Court at the village of _____ in person or by duly authorized agent on the _____ day of _____ at _____ o'clock _____ m., to answer the above-named plaintiff ; and, as the plaint will be finally disposed of on that day, you must adopt measures to produce your documents and procure the attendance of your witnesses at the hour and place above fixed ; and you are hereby required to take notice that, in default of such appearance at the before mentioned time and place, the suit will be heard and determined in the absence of yourself and your agent.

Dated this _____ day of _____ 19 .

(Signed)

Mamlatdar.

Note.—If you require your witnesses to be summoned by the Court, you should make an application to that effect to the Court without delay, so as to allow of the service of the summonses a reasonable time before the within mentioned date.

SCHEDULE B.

FORM OF NOTICE TO BE ISSUED UNDER SECTION 16.



No. OF SUIT.

In the Court of the Mamlatdar of

*Plaintiff.**Defendant.*

TO PLAINTIFF (or DEFENDANT, as the case may be).

WHEREAS, in the suit above specified, instituted in this Court by _____, the Court ordered on the _____ day of _____ last that _____, and the said plaintiff (or defendant, as the case may be), has

under date the _____ day of _____, applied to this Court
to re-hear the case on the grounds that (*here state the grounds*) :

This is to give you notice that the said application will be heard and determined
on the _____ day of _____ at _____
o'clock _____ m., at the village of _____, and you are hereby required
to take notice that in default of your appearance personally or by agent at the said
time and place, the application will be heard and determined in your absence and,
if granted, a time and place for re-hearing the suit will then be fixed.

Dated this _____ day of _____ 19 .

(Signed)

Mamlatdar.

[SCHEDULE BB.

FORM OF INJUNCTION TO BE ISSUED UNDER SECTION 21, SUB-SECTION (2).



No. of Suit.

IN THE COURT OF THE MAMLATDAR OF _____

... Plaintiff ;

... Defendant.

To DEFENDANT

Whereas in the suit above specified, the Court has this day found that you have
impeded (or that you have attempted to impede) the natural flow of surface
water naturally rising in or falling on the plaintiff's undermentioned property by
(*here describe the property and the impediment erected, or attempted to be erected,*
found proved) ;

You are hereby prohibited from erecting or attempting to erect any impediment
(if necessary set forth the particular kind of impediment which the defendant is
enjoined not to erect) to the natural flow of surface water from the said plaintiff's
said property on to your property otherwise than under authority of a competent
Civil Court.

Dated this _____ day of _____

(Signed)

Mamlatdar.]

SCHEDULE C.

FORM OF INJUNCTION TO BE ISSUED UNDER SECTION 21, SUB-SECTION (2)



No. of SUIT.

In the Court of the Mamlatdar of

Plaintiff.

Defendant.

To DEFENDANT

WHEREAS in the suit above specified the Court has this day found that you have disturbed or obstructed (or that you have attempted to disturb or obstruct) the said plaintiff in his possession of the under-mentioned property (or enjoyment of the under-mentioned use of water or use of roads, or otherwise as the case may be) by (*here describe the disturbance or obstruction or attempted disturbance or obstruction found proved*) :

You are hereby prohibited from making any further attempt to disturb or obstruct (*if necessary set forth the particular kind of disturbance or obstruction which the defendant is enjoined not to repeat*) the said plaintiff in his possession of the said property (or otherwise as the case may be) otherwise than in execution of the decree of a competent Civil Court.

Dated this day of 19 .

(Signed)

Mamlatdar.

BOMBAY ACT No. III OF 1909.¹

[THE PRINCE OF WALES MUSEUM ACT, 1909.]

[19th August 1909]

Amended by Bom. 7 of 1913 ;

" " " 6 of 1921 ;

" " " 12 of 1922 ;

" " " 7 of 1924 ;

" " " 19 of 1933.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 24 of 1954.

" " " 44 of 1954.

An Act to provide for the erection and management of the Prince of Wales Museum of Western India.

WHEREAS it is intended to erect and maintain at Bombay a Museum as a memorial of the visit in the year 1905 of His Royal Highness the Prince of Wales to Bombay ;

AND whereas certain land has been set apart and large sums of money have been and are being subscribed for these purposes ;

AND whereas three Trustees have been provisionally appointed to take the custody of the said moneys ;

AND whereas it is expedient to make provision for the erection, maintenance and management of the Museum and for the vesting and management of the said land and moneys and for the appointment of a permanent Board of Trustees ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Prince of Wales Museum Act, 1909, and Short title
and com-
mencement.
- (2) It shall come into force at once.

2. All the state, right, title and interest of ²[Government] together with all other Property
vested in the
Board. estates, rights, titles and interests in and to the land specified in the Schedule to this Act and all moneys now in the custody of the three Trustees provisionally appointed to take the custody of the moneys subscribed for the purposes of erecting or maintaining at Bombay a Museum as a memorial of the visit in the year 1905 of His Royal Highness the Prince of Wales to Bombay and all the other property whether immovable or moveable, which has been or may hereafter be given, devised, bequeathed, transferred or otherwise acquired for the said purposes shall vest in the permanent Board of Trustees constituted by this Act on trust for the erection on the land specified in the said Schedule of a Museum to be called "The Prince of Wales Museum of Western India," and for the maintenance and management of the said land and Museum.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1908, Part VII, page 171 ; for Report of Select Committee, see *ibid.*, 1909, Part VII, page 91 ; and for Proceedings in Council see *ibid.*, 1909, Part VII, pages 36 and 168.

² This word was substituted for the words "His Majesty" by the Adaptation of Laws Order, 1950.

Constitution
and powers
of the
Board.

3. (1) There shall be constituted for the purposes of this Act a permanent Board of Trustees to be called "The Trustees of the Prince of Wales Museum of Western India" and such Board (hereinafter called "the Board") shall be a body corporate with perpetual succession and a common seal, and in the name of "The Trustees of the Prince of Wales Museum of Western India" shall sue and be sued, and shall have power to ¹[acquire and hold immovable or moveable property, to let on hire, lease or mortgage any immovable property vesting in them] to enter into contracts, and to do all acts necessary for and consistent with the purposes of this Act :

²[Provided that the Board shall not have power to mortgage any land specified in the Schedule which is included within lines drawn parallel, to and at a distance of twenty feet from, above the plinths of the front corner towers of the present Museum building and extending from the Rampart Row boundary to the Esplanade Road boundary which area contains by admeasurement 14,606 square yards, be the same a little more or less, and is for greater clearness delineated on the plan referred to in section 2 of the Prince of Wales Museum (Amending) Act, 1913, or any building thereon.]

Bom.
VII of
1913.

(2) The Board shall consist of the following members, namely :—

³[(a) the Director of Industries for the Presidency of Bombay ;]

(b) the Collector of Bombay ;

(c) the Principal of the Sir Jamsetjee Jeejeebhoy School of Art ;

⁴[(d) the Superintendent, Department of Archaeology, Western Circle ;]

(dd) the Superintendent, Department of Archaeology, South Western Circle ;]

(e) such two members of the Municipal Corporation of the City of Bombay as shall from time to time be elected by the said Corporation in accordance with such regulations as may from time to time be made in this behalf by the said Corporation : provided that the election shall be by ⁵[ballot] ;

³[(f) three other persons be nominated by the ⁶[State] Government] ;]

⁸[(g) so long as the collection installed in the Museum by the Bombay Natural History Society remain in the Museum, two other persons to be nominated by the Managing Committee of the Bombay Natural History Society ;]

(h) so long as the loan collection of the Bombay branch of the Royal Asiatic Society remains in the museum, one other person to be nominated by the Bombay branch of that Society] ;

⁹[(hh) one other person elected at a joint meeting of the Trustees of the Sir Dorabji Tata Trust constituted by a trust deed dated the eleventh day of March 1932 and of the Trustees of the Sir Ratan Tata Charities constituted by the will and codicil of Sir Ratan Tata dated the twenty-first day of March 1913 and the twenty-ninth day of February 1916, respectively by a majority of votes of the Trustees present and voting at such meeting, the Chairman of such meeting having a casting vote in the case of an equality of votes] ;]

(i) one other person to be nominated by the Syndicate of the University of Bombay ; and

¹ These words were substituted for the words "hold and acquire property" by s.2 (a) of the Prince of Wales Museum (Amendment) Act, 1921 (Bom. 6 of 1921).

² This proviso was added by s. 2 (b), *ibid.*

³ This clause was substituted by s. 2 of the Prince of Wales Museum (Amendment) Act, 1922 (Bom. 12 of 1922).

⁴ These clauses were substituted for clause (d) by Bom. 44 of 1954 s. 2.

⁵ This word was substituted for the words "open vote, and", by s. 2 of the Prince of Wales Museum (Amendment) Act, 1922 (Bom. 12 of 1922).

⁶ The words "Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁷ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁸ These clauses were inserted by s. 2 of the Prince of Wales Museum (Amendment) Act, 1922 (Bom. 12 of 1922).

⁹ Clause (hh) was inserted by Bom. 19 of 1933, s. 2.

THE BOMBAY MEDICAL ACT, 1912.

CONTENTS.

SECTIONS.

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3. Tenure of office.
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6. Register.
7. Persons entitled to be registered.
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THE SCHEDULE.

BOMBAY ACT No. VI OF 1912.¹
[THE BOMBAY MEDICAL ACT, 1912.]

[25th June 1912]

Amended by Bom. 9 of 1912;•

„ „ „ 4 of 1918;

„ „ „ 12 of 1929.

Repealed in part and amended by Bom. 3 of 1916;

„ „ „ „ „ „ „ 4 of 1916.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 55 of 1950.

„ „ „ 23 of 1953.

„ „ „ 63 of 1954.

An Act for the registration of medical practitioners.

WHEREAS it is expedient to provide for the registration of medical practitioners in the Presidency of Bombay; And whereas the previous sanction of the Governor-General required by section 5 of the Indian Councils Act, 1892,² has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. (1) This Act may be called the Bombay Medical Act, 1912.

(2) It extends to the whole of the Bombay Presidency.

Sho t t fle
[and extent.]

⁵[2. (1) A Council, herein referred to as “the Medical Council”, which shall be called “the Bombay Medical Council”, shall be established for the Presidency of Bombay.

Bombay
Medic
Coun⁶.

⁶[(2) The Medical Council shall consist of fourteen members who shall be appointed in the following manner, namely:—

(a) five members nominated by the State Government out of whom not more than one shall be from amongst those who are not registered under this Act;

(b) three members elected by—

(i) the members of Faculties of Medicine of the Universities established by any law for the time being in force in the State of Bombay, and

(ii) the members of the Governing Body of the College of Physicians and Surgeons, Bombay;

Provided that no person who is a member of two or more such Faculties or of any such Faculty and the said Governing Body shall be entitled to vote more than once;

(c) six members elected by the medical practitioners who are registered under this Act.]

⁷[(3) The President of the Medical Council shall be elected by the members from amongst themselves.

(4) The election of the President and members shall, subject to the provisions of this Act, be held at such time and place and in such manner as the Medical Council may, by rules or regulations made from time to time in this behalf, direct.]

3. ⁸[(1) The President and members of the Medical Council shall hold office for a term of five years from the date of their nomination or election or until their successors have been duly nominated or elected, whichever is longer, and shall be eligible for re-nomination, or re-election, as the case may be.]

Tenure of
office.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1911, Part VII, page 389; for Report of Select Committee, see *ibid.*, 1912, Part VII, page 103; and for Proceedings in Council, see *ibid.*, 1912, Part VII, pages 45 and 189.

² See now the Government of India Act, 1935.

³ These words were substituted for the words “extent and definition” by Bom. 55 of 1950, s. 2.

⁴ Sub-section (c) was deleted, *ibid.*

⁵ Section 2 was substituted by s. 2 of the Bombay Medical (Amendment) Act, 1918 (Bom. 4 of 1918).

⁶ Sub-section (2) was substituted for the original by Bom. 55 of 1950, s. 3.

⁷ These sub-sections were substituted for sub-section (2), *ibid.*

⁸ This sub-section was substituted for the original, *ibid.*, s. 4.

(2) Any member may at any time resign his appointment by letter addressed to the President of the Medical Council.

(3) Upon the death or resignation of any member of the Medical Council, some other person shall be appointed a member of the Medical Council in his place by nomination or election, as the case may be, in accordance with the provisions of sub-section (2) of section 2, and such person shall hold office for the remainder of the period for which the member in whose place he is appointed was nominated or elected.

(4) (a) Leave of absence ^{1*} * may be granted by the Medical Council to any member thereof for a period not exceeding six months.

(c) ³[Except in the case provided for in clause (a),] if any member of the Medical Council shall absent himself from three consecutive ⁴[ordinary] meetings of the Medical Council, the Medical Council may forthwith declare his seat vacant and such declaration shall have the same effect as resignation of his seat by the member concerned.

Time and
place of
meeting of
Council.

4. The Medical Council ^{5*} * * shall make such rules and regulations as may be necessary with respect to the times and places of the meeting of the Medical Council, and the mode of summoning the same. In the absence of any rule or regulation as to the summoning of a meeting of the Medical Council, it shall be lawful for the President to summon a meeting at such time and place as to him shall seem expedient by letter addressed to each member; and at every meeting, in the absence of the President, some other member, to be chosen from the members present, shall act as President; and all acts of the Medical Council shall be decided by the votes of the majority of the members present at any meeting, the whole number present not being less than eight, and at all such meetings the President for the time being shall, in addition to his vote as a member of the Medical Council, have a casting vote in case of any equality of votes.

Registrar
and
Officers.

5. (1) The Medical Council shall appoint a Registrar, and may from time to time grant leave to the Registrar and appoint a person to act in his place. Any order of the Medical Council appointing ^{6*} * * or dismissing a Registrar or appointing a person to act as Registrar ⁷[for a period which exceeds or is likely to exceed the period which the State Government may, from time to time, direct] shall be subject to the previous approval of the ⁸[⁹[State] Government]. The Registrar and any person appointed to act as Registrar shall be paid by the Medical Council such salary and allowances as they may from time to time determine. Any person duly appointed to act as Registrar shall be deemed to be Registrar for all the purposes of this Act.

(2) The Medical Council with the previous approval of the ⁸[⁹[State] Government] may appoint such other officers or clerks as may be necessary for the purposes of this Act.

(3) The Registrar and any other officer or clerk appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the ¹⁰Indian Penal Code. XLV
of
1860.

¹ The words "from India" were deleted by Bom. 55 of 1950, s. 4 (2).

² Clause (b) was deleted, *ibid*.

³ This portion was substituted for the original portion, "In any case not provided for in clauses (a) and (b)." *ibid*.

⁴ This word was inserted, *ibid*.

⁵ The words "shall hold their first meeting within three months from the commencement of this Act, in such place and at such time as the Government in Council shall appoint and" were repealed by s. 3 and Schedule of the Bombay Medical (Amendment) Act, 1916 (B. m. 4 of 1916).

⁶ The words "granting leave to" were deleted by Bom. 55 of 1950, s. 5 (1).

⁷ This portion was inserted, *ibid*, s. 5 (2).

⁸ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

⁹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

¹⁰ Central Acts.

6. The Registrar shall keep a register of medical practitioners in accordance with the provisions of this Act. The register shall be kept in such form as the ¹[²[State] Government] from time to time directs. The name, residence and qualifications of every person who is registered under this Act shall be entered in the register with the date on which each qualification was granted. It shall be the duty of the Registrar under the orders of the Medical Council to keep the register correct and from time to time to enter any necessary alterations in the addresses of persons registered, and to enter any additional qualifications which any registered person may have obtained subsequent to his registration, and to erase the names of all registered persons who have died; provided that the ¹[²[State] Government] may prescribe a fee for the entry of any additional qualification. * * * *

XXVII
of
1933.

⁴[7. ⁵(1) (a) Every person shall, if he holds any of the medical qualifications included in the First, or Second Schedule to the Indian Medical Council Act, 1933, be entitled to be registered under this Act, on payment of a fee of ⁶[fifty rupees] on giving a correct description of his qualifications, with the dates on which they were granted, and on presentation of his degree, diploma or licence. ^{Persons entitled to be registered.}

(b) No person who possesses a medical qualification granted by any authority in any place outside the territory of India other than those specified in the Second Schedule to the said Act shall be registered under this Act, unless the procedure specified in clause (c) has been followed.

XXVII
of
1933.

(c) The Medical Council shall forward to the Executive Committee constituted under section 9 of the Indian Medical Council Act, 1933, an application for registration received by it from any medical practitioner ⁷* * * * but who does not possess any of the medical qualifications granted by a medical institution specified in the said Second Schedule to the said Act. If the said Committee is satisfied that the degree, diploma, licence or certificate held by the applicant is such as to secure the possession by the applicant of requisite knowledge and skill for the efficient practice of medicine surgery or midwifery, ⁸[it may,—

(a) if the applicant is a citizen of India, recommend that such person should be registered, and

(b) if the applicant is not a citizen of India, recommend that such person should be registered on such conditions as may be specified in the recommendation, and the Medical Council shall accordingly register him].

⁹[(1-a) Every person for the time being registered under any Act for the registration of medical practitioners in force in any other province in India with the Medical Council of such province shall, if reciprocity of registration has been arranged with such Council be entitled on production of his registration certificate ¹⁰[and on payment of a fee of ¹¹[fifty rupees] to have registered under this Act, ¹²* * such qualifications entered in the said certificate as are registrable under this Act.]

¹ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ The portion beginning with the words "To enable the Registrar duly to fulfill the duties" and ending with the words "make an order to that effect" was deleted by Bom. 63 of 1954, s. 2.

⁴ Section 7 was substituted by s. 3 of the Bombay Medical Amendments Act, 1916, Bom. 3 of 1916.

⁵ Sub-section (1) was substituted for the original by Bom. 55 of 1950, s. 8 (1).

⁶ These words were substituted for the words "fifteen rupees" by Bom. 63 of 1954, s. 3 (1) (a).

⁷ The words "who is a citizen of India" were deleted, *ibid.*, s. 3 (1) (b) (i).

⁸ This portion was substituted for the words "it may recommend that the person should be registered and the Medical Council shall accordingly register from", *ibid.*, s. 3 (1) (b) (ii).

⁹ Sub-section (1-a) was inserted by Bom. 12 of 1929, s. 2.

¹⁰ These words were inserted by Bom. 55 of 1950, s. 8 (2).

¹¹ These words were substituted for the words "fifteen rupees" by Bom. 63 of 1954, s. 3 (2).

¹² The words "free of charge" were deleted, *ibid.*

(2) Every person who is possessed of any of the qualifications described in the Schedule to this Act (subject to the provisions of section 20) shall be entitled to be registered under this Act on payment of a fee of ¹[fifty rupees] and on giving evidence to the satisfaction of the Registrar of his possession of a qualification fitting him for registration.

(3) The ²[State] Government may, after consulting the Medical Council permit the registration of any person who was actually practising medicine in the Bombay Presidency before the 25th day of June 1912.

(4) The Medical Council may refuse to permit the registration of any person who has been convicted of a cognisable offence as defined in the ⁴[Code of Criminal Procedure, 1898, or who, being or having been subject to military law, has been convicted under the ⁵Army Act or under the ⁶Indian Army Act, 1911; of an offence which is also a cognisable offence as so defined, or who after due enquiry has been held guilty by the Medical Council of infamous conduct in any professional respect.]

V of
1898.
44 &
45
Vict.,
c. 58,
VIII
of
1911.

Appeals and
incorrect
entries.

8. (1) Any appeal against the decision of the Registrar respecting a first registration or any subsequent alteration shall be heard and determined by the Medical Council under regulations which shall be made by the Medical Council in this behalf.

(2) Any entry in the register which shall be proved to the satisfaction of the Medical Council to have been fraudulently or incorrectly made may be erased from the register under the orders of the Medical Council.

Removal of
medical
practitioner's
name from
register for
misconduct.

⁹[9. (1) If a medical practitioner has been after due inquiry by the Medical Council found guilty of any misconduct, the Medical Council may—

- ⁷[(a) issue a letter of warning addressed to such medical practitioner, or
- (b) direct the name of such medical practitioner—

(i) to be removed from the register for such period as may be specified in the direction, or

(ii) to be removed from the register entirely.]

Explanation.—For the purposes of this section, “misconduct” shall mean—

(a) the conviction of the medical practitioner by a criminal court for an offence which involves moral turpitude and which is cognizable within the meaning of the Code of Criminal Procedure, 1898;

(b) the conviction under the Army Act, 1950, of the medical practitioner subject to military law for an offence which is cognizable within the meaning of the Code of Criminal Procedure, 1898; or

(c) any conduct which, in the opinion of the Medical Council, is infamous in relation to the medical profession.

V of
898.
XLVI
of
1950.
V of
1898.

¹ These words were substituted for the words “fifty rupees” by Bom. 63 of 1954, s. 3 (2).

² The words “Provincial Government” were substituted for the words “Governor in Council” by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

⁴ Central Acts.

⁵ Collection of Statutes relating to India, Vol. I.

⁶ Section 9 was substituted for the original by Bom. 55 of 1950, s. 7.

⁷ This portion was substituted for the brackets, left is and words beginning with “(a) direct the name” and ending with “misconduct of which he was found guilty” by Bom. 63 of 1954, s. 4.

(2) The Medical Council may, at any subsequent date, if they think fit, direct that any name so removed shall be re-entered.]

V of 1908. ¹[9-AA. In holding inquiries under this Act, the Medical Council shall have the same powers as are vested in Civil Courts under the Code of Civil Procedure, of 1908, when trying a suit, in respect of the following matters, namely :—

Medical Council to have powers of Civil Courts.

(a) enforcing the attendance of any person and examining him on oath ;

(b) compelling the production of documents ;

(c) issuing of commissions for the examination of witnesses.

XLV of 1860. 9-BB. All inquiries under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

Inquiries to be deemed to be judicial proceedings.

9-CC. (1) For the purpose of advising the Medical Council on questions of law arising in inquiries before it, there shall in all such inquiries be an assessor to the Medical Council who has been for not less than ten years—

Assessor to Medical Council.

XXXVIII of 1926. (i) an advocate enrolled under the Indian Bar Councils Act, 1926, or

(ii) an attorney of a High Court.

(2) Where an assessor advises the Medical Council on any question of law as to evidence, procedure or any other matter, he shall do so in the presence of every party, or person representing a party, to the inquiries who appears thereat, or if the advice is tendered after the Medical Council has begun to deliberate as to their findings, every such party or person as aforesaid shall be informed what advice the assessor has tendered. Such party or person shall also be informed, if in any case the Medical Council does not accept the advice of the assessor on any such question as aforesaid.

(3) Any assessor under this section may be appointed either generally or for any particular inquiries or class of inquiries and shall be paid such remuneration as the Medical Council with the approval of the State Government may determine.

9-DD. Notwithstanding anything contained in section 7 or 17—

Renewal of registration.

(a) the Registrar shall every five years cause two notices to be published at an interval of not less than thirty days in the *Official Gazette* calling upon in the manner provided in clause (b) all registered medical practitioners to make an application to the Registrar for the continuance of their names on the register ;

(b) the Registrar shall, after the publication of the first notice under clause (a) send a notice by post enclosing therewith the form of application prescribed by rules made under this Act to registered medical practitioners at their addresses as entered in the register calling upon them to return the application to the Registrar for the continuance of their names on the register within 45 days of the date of the notice. If any of the registered medical practitioners fails to return such application within the time specified, the Registrar shall issue a further notice to such registered medical

¹ Sections 9AA to 9-DD were inserted by Bom. 63 of 1954, s. 5.

practitioner by registered post after the publication of the second notice under clause (a) enclosing therewith the form of application prescribed by rules made under this Act calling upon him to return the application to the Registrar for the continuance of his name on the register within thirty days of the date of the notice together with a fee of rupees two ;

(c) if the application is not made on or before the date fixed by the notice sent by registered post under clause (b), the Registrar shall remove the name of the defaulter from the register :

Provided that if an application for continuance of the name so removed is made within a period of six months from the date fixed by the notice sent by registered post under clause (b) the name so removed may be re-entered in the register on payment of a fee of five rupees.]

Renewal fee. ¹[9A. (1) Notwithstanding anything contained in section 7 or 17, the Medical Council may direct that a renewal fee of such amount as may be approved by the State Government shall be paid by each medical practitioner for the continuance of his name on the register.

(2) If the renewal fee is not paid before the date fixed by the Medical Council the Registrar shall remove the name of the defaulter from the register :

Provided that the name so removed may be re-entered in the register on payment of the renewal fee in such manner and subject to such conditions as the Medical Council may, by rules or regulations, direct.]

Qualified
practi-
tioners ;
certificate.

10. (1) ²* * * The expression "legally qualified medical practitioner", or "duly qualified medical practitioner," or any words importing a person recognized by law as a medical practitioner or member of the medical profession, shall in all ³[Bombay Acts] and in all ⁴[Central Acts] in their application to the Bombay Presidency, mean a medical practitioner registered ⁵* * * under this Act ⁶[or under the Bombay Medical Practitioners' Act, 1938]:

(2) ²* * * No certificate required by any Act from any medical practitioner or medical officer shall be valid unless the person signing the same shall have been registered ⁷* * * under this Act ⁷[or under the Bombay Medical Practitioners' Act, 1938].

¹ This section was inserted by Bom. 55 of 1950, s.8.

² The words " After the commencement of this Act " were repealed by s. 3 and Schedule of the Bombay Medical (Amendment) Act, 1916 (Bom. 4 of 1916.).

³ The words " Bombay Acts " were substituted for the words " Acts of the Governor of Bombay in Council " by the Adaptation of Indian Laws Order in Council.

⁴ The words " Central Acts " were substituted for the words " Acts of the Governor-General in Council " *ibid.*

⁵ The words " either under the Medical Acts or " were deleted by Bom. 55 of 1950, s. 9.

⁶ This portion was added, *ibid.*

⁷ The words " under the Medical Acts or " were deleted, *ibid.*

11. 1* * * * 2[Except with the special sanction of the 3[4[State] Unregis- Government]] no person shall hold any appointment as a Physician, Surgeon or other Medical Officer in any dispensary, hospital, infirmary or lying-in-hospital, not supported entirely by voluntary contributions, or in any public establishment, body or institution, or as a Medical Officer of Health, unless he be registered 5* appoint- * * * * under this Act 6[or under the Bombay Medical Practitioners' Act, 1938].

12. Every Registrar of deaths on receiving notice of the death of a medical practitioner registered under this Act shall forthwith transmit by post to the Registrar appointed under this Act a certificate under his own hand of such death with the particulars of time and place of death and may charge the cost of such certificate and transmission as an expense of his office.

13. The Medical Council shall have authority to call on the governing body or authorities of any Medical College or School and on any examining body included in or desirous of being included in the Schedule—

(a) to furnish such particulars as the Medical Council shall require of any course of study prescribed or examination held by such body or authority or in such School or College with reference to the grant of any medical or surgical qualification, and

7[(b) to permit such person or persons as is or are, in the opinion of the Medical Council, specially qualified for the purpose, to attend and be present at any such examination.]

14. Notwithstanding any thing in any other law for the time being in force, every person who shall be registered under this Act shall be exempt, if he so desires, from serving on any inquest.

15. There shall be paid to the members of the Medical Council such fees for attendance and such reasonable travelling expenses as shall from time to time be allowed by the Medical Council and approved by the 3[4[State] Government].

16. All monies received by the Medical Council as fees under this Act shall be applied for the purposes of this Act in accordance with such rules as may be made in this behalf by the 3[4[State] Government].

¹ The words " On the expiry of three months from the commencement of this Act " were repealed by s. 3 and Schedule of the Bombay Medical (Amendment) Act, 1916 (Bom. 4 of 1916).

² These words were inserted by s. 2, *ibid.*

³ The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of India Laws Order in Council.

⁴ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

⁵ The words " under the Medical Acts or " were deleted by Bom. 55 of 1950, s. 10.

⁶ This portion was added, *ibid.*, s. 10.

⁷ Clause (b) was substituted for the original by Bom. 23 of 1953, s. 2.

Publication
of Medical
List.

¶17. (1) The Registrar shall every five years ^{2*} * * * * *
* * * * * cause to be printed and published a correct list of the names,
addresses and qualifications of all persons for the time being entered in the Register
and the dates when such qualifications were granted, in alphabetical order accord-
ing to the surnames of the persons registered.

(2) The Registrar shall cause to be printed and published annually on or before
a date to be fixed by the Medical Council—

(a) a supplementary list arranged in the manner specified in sub-section (1),
of the names, addresses, dates of registration and qualifications together with
the dates of acquiring them of all persons for the time being entered or
re-entered in the register and not included in any subsisting list or supplementary
list already printed and published ; and

(b) a separate list arranged in the same manner and giving the same parti-
culars of persons included in any subsisting list or supplementary list whose
names have since been erased or removed from and not re-entered in the Register ;
and

(c) if during any year a medical practitioner included in any subsisting list
or supplementary list has communicated a change of address, a further list
arranged in the same manner of the medical practitioner who has so communi-
cated the change of address.

³[(3) A copy of the list referred to in sub-section (1) and of the supplementary
list referred to in clause (a) of sub-section (2) shall be evidence in all Courts
and in all judicial or quasi-judicial proceedings that the persons therein specified
are registered according to the provisions of this Act, and the absence of the
name of any person from such copy shall be evidence, until the contrary is
proved, that such person is not registered according to the provisions of this
Act :

Provided that in the case of any person whose name does not appear in such
copy, a certified copy under the hand of the Registrar of the entry of the name
of such person on the register shall be evidence that such person is registered
under the provisions of this Act.]

¹ This section was substituted for the original by Bom. 55 of 1950, s. 11.

² The words " on or before a date to be fixed by the Medical Council " were deleted by Bom. 63 of 1954, s. 6 (a).

³ This sub-section was substituted for the original *ibid.*, s. 6 (b).

SECTIONS.

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- 49. Effect of cancellation of registration.
- 50. Powers of a liquidator.
- 50A. Power of Registrar to assess damage against delinquent promoters, etc.
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SCHEDULE.

BOMBAY ACT No. VII OF 1925.¹

[THE BOMBAY CO-OPERATIVE SOCIETIES ACT, 1925.]

[4th December 1925]

Amended by Bom. 8 of 1933.

" " " 22 of 1935.

" " " 8 of 1936.

" " " 17 of 1936.

" " " 24 of 1936.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom. 29* of 1942.

" " " 16* of 1943.

" " " 28 of 1948.

" " " 14 of 1949.

" " " 53 of 1949.

" " " 12 of 1950.

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 2 of 1952.

" " " 22 of 1952.

" " " 18 of 1953.

" " " 41 of 1953.

" " " 73 of 1954.

An Act to consolidate and amend the law relating to Co-operative Societies in the Presidency of Bombay.

WHEREAS it is expedient further to facilitate the formation and working of co-operative societies for the promotion of thrift, self-help and mutual aid among agriculturists and other persons with common economic needs so as to bring about better living, better business and better methods of production and for that purpose to consolidate and amend the law relating to co-operative societies in the Presidency of Bombay; and whereas the previous sanction of the Governor-General required by sub-section (3) of section 80-A of the Government of India Act has been obtained for the passing of this Act: It is hereby enacted as follows:—

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Geo.
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c 61.

²[CHAPTER I.

PRELIMINARY.]

1. This Act may be called the Bombay Co-operative Societies Act, 1925. Short title.
2. This Act extends to the whole of the Presidency of Bombay. Extent.
3. In this Act, unless there is anything repugnant in the subject or context,— Definitions.
 - (a) "by-laws" means by-laws registered under this Act and for the time being in force and includes a registered amendment of such by-laws;
 - (b) "Committee" means the Committee of Management or other directing body to whom the management of the affairs of a society is entrusted;
 - ³[(b1) "banking company" means a banking company as defined in clause (b) of section 5 of the Banking Companies Act, 1949;

X of
1949.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1924, Part V, pp. 46-48; for Report of Select Committee, see *ibid.*, 1924, Part V, pp. 108-13 and *ibid.* 1925, Part V, pp. 68-70; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1924 and 1925 Vols. XII, XIII and XV.

* This Act has been repealed and re-enacted by Bom. 28 of 1948, s. 2.

² The words and figure "Chapter I—Preliminary" were substituted for the word "Preliminary" by Bom. 8 of 1936, s. 2.

³ These clauses were inserted by Bom. 2 of 1952, s. 2.

(b2) "company" means a company as defined in clause (2) of sub-section (1) of section 2 of the Indian Companies Act, 1913, and includes a banking company ; VII of 1913.

(b3) "firm" means a firm registered under section 59 of the Indian Partnership Act, 1932 ; IX of 1932.

(c) "Member" includes a person joining in the application for the registration of a society or a person admitted to membership after registration ¹[in accordance with this Act or] the rules and by-laws applicable to such society ;

(d) "Officer" includes a chairman, secretary, treasurer, member of committee or other person empowered under the rules or under the by-laws of a society to give directions in regard to the business of such society ;

(e) "Society" means a society registered or deemed to be registered under this Act ;

(f) "Registrar" means a person appointed to perform the duties of a Registrar of Co-operative Societies under this Act ;

(g) "Rules" means rules made under this Act ;

(h) (1) a "Resource society" means a society formed with the object of obtaining for its members the credit, goods or services required by them ;

(2) a "Producers' society" means a society formed with the object of producing and disposing of goods as the collective property of its members and includes a society formed with the object of the collective disposal of the labour of the members of such society ;

(3) a "Consumers' society" means a society formed with the object of obtaining and distributing goods to or of performing services for its members, as well as to other consumers and of dividing among its members and customers in a proportion prescribed by the rules or by the by-laws of such society, the profits accruing from such supply and distribution ;

(4) a "Housing society" means a society formed with the object of providing its members with dwelling houses on conditions to be determined by its by laws ;

²[(5) a "General society" means a society not falling under any of the classes of societies defined in any other clauses of this section ;

³[(6) a "Federal society" means a society not less than three-fourths of the members of which are societies ;]

⁴[(7) a "Farming society" means a society formed with the object of promoting development of land and better methods of cultivation by means of improved seed, manure, irrigation, bunding, tractor ploughing, gully plugging and soil conservation.

Explanation.—A Farming society shall be of two classes :—(1) a Better farming society, and (2) a Co-operative farming society :—

(i) A Farming society shall be classed as a Better farming society if the predominant object is the application of improved methods of cultivation. A Better farming society includes a Crop protection society ;

(ii) A Farming society shall be classed as a Co-operative farming society if the predominant object is the application of Co-operative methods by the holders of lands and in respect of cultivation.]

The Registrar shall classify all societies under one or other of the above heads and his decision shall be final :

¹ These words were substituted for the words "in accordance with" by Bom. 22 of 1952, s. 2 (i).

² This sub-clause was substituted for the original, *ibid.*, s. 2 (2) (i).

³ Sub-clause (6) was inserted by Bom. 28 of 1948, s. 3 (i).

⁴ This sub-clause was inserted by Bom. 14 of 1949, s. 2 (i).

[CHAPTER V.

PRIVILEGES OF SOCIETIES.]

23. The registration of a society shall render it a body corporate by the name under which it is registered, with perpetual succession and a common seal, and with power to hold property, to enter into contracts, to institute and defend suits and other legal proceedings and to do all things necessary for the purposes of its constitution.

²[24. (1)] Subject to any prior claim of ³[the ⁴[Government]] in respect of land revenue or any money recoverable as land revenue or of a landlord in respect of rent or any money recoverable as rent,

(a) any debt or outstanding demand owing to a society by any member or past member shall be a first charge (i) upon crops or other agricultural produce raised in whole or in part with a loan taken from the society by such member or past member, and (ii) upon any cattle, fodder for cattle, agricultural or industrial implements or machinery, or raw materials for manufacture or workshops, godown or place of business, supplied to or purchased by such member or past member in whole or in part from any loan whether in money or goods given him by the society :

* * * * *

(b) any outstanding demands or dues payable to a housing society by any member or past member in respect of rent, shares, loans, or purchase money or any other rights or amounts payable to such society shall be a first charge upon his interest in the immovable property of the society.

⁶[(2) No property or interest in property which is subject to a charge under sub-section (1) shall be transferred in any manner except by way of lease for a term not exceeding ten years without the previous permission of the society.

(3) Notwithstanding anything contained in any law, any transfer made in contravention of the provisions of sub-section (2) shall be void.

(4) Any person who in contravention of the provisions of sub-section (2) transfers any property which is subject to a charge under sub-section (1) shall, on conviction, be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees.]

⁷[24AA. Notwithstanding anything contained in this Act or in any other law for the time being in force—

⁸(i) any person who makes an application to a society of which he is a member for a loan shall, if he owns any land, make a declaration in the form prescribed by rules. Such declaration shall state that the applicant thereby creates a charge on the land owned by him and specified therein for the payment of the amount of the loan which the society may make to the member in pursuance of the application and for all future advances, if any, required by him which the society may make to him as such member subject to such maximum as may be determined by the society together with interest on such amount of the loan and advances;]

¹ The words and figures " Chapter V—Privileges of Societies " were substituted for the words " Privileges of Societies " by Bom. 8 of 1936, s. 2.

² Section 24 was numbered as sub-section () by Bom. 28 of 1948, s. 13 (1).

³ The words " the Crown " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

⁴ This word was substituted for the word " Crown " by the Adaptation of Laws Order, 1950.

⁵ The proviso was deleted by Bom. 28 of 1948, s. 13 (2).

⁶ Sub-sections (2), (3) and (4) were inserted, *ibid.*, s. 13 (3).

⁷ Section 24AA was inserted, *ibid.*, s. 14.

⁸ Clause (i) was substituted by Bom. 14 of 1949, s. 3 (a).

¹[(ii) any person who has borrowed a loan from a society of which he is a member before the date of the coming into force of the Bombay Co-operative Societies (Amendment) Act, 1948, and who owns any land shall, as soon as possible, make a declaration in the form and to the effect referred to in clause (i) and no such person shall, unless and until he has made such declaration, be entitled to exercise any right as a member of the society ;]

(iii) a declaration made under clause (i) or (ii) may be varied at any time by a member with the consent of the society in favour of which such charge is created ;

(iv) no member shall alienate the whole or any part of the ²[land] specified in the declaration made under clause (i) or (ii) ³[until the whole amount borrowed by the member together with interest thereon is paid in full] :

Provided that standing crops on any such ²[land] may be alienated with the previous permission of the society ;

⁴[Provided further that it shall be lawful to a member to execute a mortgage bond in favour of the State Government in respect of such land or any part thereof under the Bombay Canal Rules made under the Bombay Irrigation Act, 1879, for the supply of water from a canal to such land or any part thereof] ;

(v) any alienation made in contravention of the provisions of clause (iv) shall be void ;

(vi) subject to the prior claims of the ⁵[Government] in respect of land revenue or any money recoverable as land revenue and to the charge, if any, created under an award made under the Bombay Agricultural Debtors Relief Act, 1947, there shall be a first charge in favour of the society on the ²[land] specified in the declaration made under clause (i) or (ii) for and to the extent of the dues owing by him on account of the loan ;

(vii) notwithstanding anything contained in Chapter X-A of the Bombay Land Revenue Code, 1879, the Record of Rights maintained under the said Chapter shall also include the particulars of every charge on ²[land] created under a declaration under clause (i) or (ii).

⁶[Explanation.—For the purposes of this section, “society” shall mean—

(a) any resource society, the majority of the members of which are agriculturists and the primary object of which is to obtain credit for its members ;

or

(b) any society or any society of the class of societies specified in this behalf by the State Government by a general or special order.]

Deduction from salary to meet society's claim in certain cases.

⁷[24A. (1) A member of a society may execute an agreement in favour of the society providing that his employer shall be competent to deduct from the salary or wages payable to him by the employer such amount as may be specified in the agreement and to pay the amount so deducted to the society in satisfaction of any debt or other demand owing by the member to the society.

¹ Clause (ii) was substituted by Bom. 14 of 1949, s. 3 (a).

² This word was substituted for the words “immovable property” and “property”, *ibid.*, s. 3 (b).

³ These words were substituted for the words “until the loan is repaid in full”, *ibid.*, s. 3 (c).

⁴ This proviso was added by Bom. 73 of 1954, s. 2.

⁵ This word was substituted for the word “Crown” by the Adaptation of Laws Order, 1950.

⁶ This Explanation was substituted for the original by Bom. 22 of 1952, s. 8.

⁷ This section was inserted by Bom. 29 of 1942, s. 2, read with Bom. 28 of 1948, s. 2.

(2) On the execution of such agreement the employer shall, if so required by the society by a requisition in writing and so long as such debt or demand or any part of it remains unpaid, make the deduction in accordance with the agreement and pay the amount so deducted to the society. ¹[within fourteen days from the date on which such deduction is made.]

(3) The provisions of this section shall also apply to all such agreements of the nature referred to in sub-section (1) as were in force on the date of the commencement of the Bombay Co-operative Societies (Amendment) Act, 1942.

(4) Nothing contained in this section shall apply to persons employed in ²[railways (within the meaning of the Constitution), mines and oil-fields].]

25. A society shall have a charge upon the share or interest in the capital and on the deposits of a member or past member and upon any dividend, bonus or profits payable to a member or past member in respect of any debt due from such member or past member to the society, and may set off any sum credited or payable to a member or past member or towards payment of any such debt. Charge and set-off in respect of shares or interest of member.

26. Subject to the provisions of section 25, the share or interest of a member in the capital of a society ³[or in a loan stock issued by a housing society] or ⁴[the share or interest of a member, or officer or servant of a society] in any provident fund established under section 41 of this Act shall not be liable to attachment or sale under any decree or order of a court of justice in respect of any debt or liability incurred by such member, ⁵[officer or servant] and neither the Official Assignee under the ⁶Presidency-towns Insolvency Act, 1909, nor a Receiver under the ⁷Provincial Insolvency Act, 1920, shall be entitled to or have any claim on such share or interest. Shares or interest not liable to attachment.

III of
1909.
V of
1920.

27. (1) ⁷[Subject to the provisions of section 17A,] on the death of a member of a society such society may within a period of one year from the date of such member transfer the share or interest of the deceased member to a person or persons nominated in accordance with the by-laws of the society, if duly admitted a member of the society, in accordance with the rules or the by-laws of the society, or if there is no person so nominated, to such person as may appear to the Committee to be the heir or legal representative of the deceased member if duly elected a member of the society, or may pay to such nominee, heir or legal representative, as the case may be, a sum representing the value of such member's share or interest as ascertained in accordance with the rules or by-laws: Transfer of interest on death of member.

¹ These words were added by Bom. 73 of 1954, s. 3.

² These words and brackets were substituted for the words, brackets and figures "Federal railways (within the meaning of the Government of India, Act, 1935)" by the Adaptation of Laws Order, 1950.

³ These words were inserted by Bom. 12 of 1950, s. 3.

⁴ These words were inserted by Bom. 28 of 1948, s. 15 (i).

⁵ These words were inserted, *ibid.*, s. 15 (ii).

⁶ See Central Acts.

⁷ These words, figures and letter were inserted by Bom. 22 of 1952, s. 9.

36. Consumers', Producers' and Housing Societies may to the extent permitted by their by-laws trade with persons who are not members, but the transactions of a Resource society with persons other than members except as provided under section 34 or 35 shall be subject to such prohibitions and restrictions, if any, as ¹[the ²[State] Government] may by rules prescribe. Restrictions on other transactions with non-members.

37. 'A society may invest or deposit its funds—

(a) in the Government Savings Bank ; or

(b) in any of the securities specified in section 20 of the ³Indian Trusts Act, 1882 ; or

(c) in the shares or on the security of any other society, provided that no such investment shall be made in the shares of any society other than one with limited liability ; or

(d) with any bank or person carrying on the business of banking approved for this purpose by the Registrar ; or

(e) in any other mode permitted by the rules ⁴[or by general or special order of the ²[State] Government].

Investment of funds.

38. No society shall pay a dividend to its members at a rate exceeding ⁵[6¹/₄] per cent. Restrictions on dividend.

39. (1) Every society which does or can derive a profit from its transactions shall maintain a reserve fund. Reserve Fund.

(2) In the case of a Resource or Producers' society at least ¹/₄th of the net profits of the society each year shall be carried to the reserve fund and in the case of any other society at least ¹/₁₀th of the net profits of the society each year shall be carried to the reserve fund, and such reserve fund may be used in the business of the society or may be invested, subject to the provisions of section 37, as ¹[the ²[State] Government] may by general or special order direct, or may, with the previous sanction of ¹[the ²[State] Government] be used in part for some public purpose likely to promote the objects of this Act or for some purposes of provincial or local interest.

⁶[39A. Every society which pays a dividend to its members at a rate of 4 per cent. or more shall contribute towards the educational fund of the Bombay Provincial Co-operative Institute at such rate as may be prescribed.] Contribution to educational fund of Bombay Provincial Co-operative Institute.

40. Subject to the provisions of section 38 the balance of the profits of a society after making the prescribed provision for the reserve fund ⁷[and contribution, if any, to the educational fund of the Bombay Provincial Co-operative Institute] may, together with any available profits of past years be distributed among its members ⁸[and be paid to the State Government on the share capital of the society contributed by it, if any, under section 33A] and in the case of Consumers' and Producers' societies, also among persons who are not members, to the extent and under the Restrictions on distribution of profits.

¹ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ See Central Acts.

⁴ These words were added by Bom. 28 of 1948, s. 18.

⁵ The figures "6¹/₄" were substituted for the figures "10" *ibid.*, s. 19.

⁶ Section 39 A was inserted, *ibid.*, s. 20.

⁷ These words were inserted, *ibid.*, s. 21.

⁸ These words were inserted by Bom. 73 of 1954, s. 4. This amendment shall be deemed to have been made on and to have effect from the 14th February 1952. (See s. 12 of Bom. 73 of 1954).

conditions prescribed by the rules or by the by-laws of such societies, provided that :—

(a) in the case of a Resource society on a basis of unlimited liability in which the members do not hold shares, no distribution of profits shall be made without the general or special order of ¹[the ²[State] Government] in this behalf; and

(b) in the case of a Resource society on a basis of unlimited liability in which the members hold shares, no such distribution of profits shall be made until 10 years from the date of registration of the society have elapsed.

Provident
Fund.

41. Any society may establish a provident fund for its members ³[or officers or servants] out of contributions from such members ⁴[or officers or servants, as the case may be,] in accordance with by-laws made by the society in this behalf and may contribute to such provident fund from its net profits, after the prescribed payments have been made to the reserve fund, provided that such provident fund shall not be used in the business of the society but shall be invested under the provisions of section 37; and provided further, that no part of such provident fund shall be considered as an asset of the society.

Contribution
to charitable
purpose.

42. With the approval of the Bombay Central Co-operative Institute and after the payments prescribed by sub-section (2) of section 39 ⁵[and section 39A have been made] any society may—

(a) set aside a sum not exceeding 20 per cent. of its net profits, and

(b) utilize from time to time the whole of such sum in contributing to any public or co-operative purpose, or to a charitable purpose as defined in section 2 of the ⁶Charitable Endowments Act, 1890.

VI of
1890.

[CHAPTER VII.

INSPECTION OF AFFAIRS.]

Inquiry by
Registrar.

43. (1) The Registrar may of his own motion by himself or by a person duly authorised by him in writing in this behalf hold an inquiry into the constitution, working and financial condition of a society.

(2) The Registrar shall hold such an inquiry as is contemplated in sub-section (1) of this section—

(a) on the requisition of a society, duly authorised by rules made in this behalf to make such requisition, in respect of one of its members, such member being itself a society,

(b) on the application of a majority of the Committee of the society.

(c) on the application of $\frac{1}{3}$ rd of the members of the society.

(3) All officers and members of the society whose affairs are investigated shall furnish such information in their possession in regard to the affairs of the society as the Registrar or the person authorised by the Registrar may require.

(4) The result of any inquiry under this section shall be communicated to the society whose affairs have been investigated.

Inspection
of books of
indebted
society.

44. (1) The Registrar may on the application of a creditor of a society inspect or direct some person authorised by him by order in writing in this behalf to inspect the books of the society:

¹ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ These words were inserted by Bom. 28 of 1943 s. 22 (i).

⁴ These words were inserted, *ibid*, s. 22 (ii).

⁵ These words, figures and letter were substituted for the words "have been made to the reserve fund", *ibid*, s. 23.

⁶ See Central Acts.

⁷ These words and figures "Chapter VII—Inspection of Affairs" were substituted for the words "Inspection of affairs" by Bom. 8 of 1936, s. 2.

(h) to investigate all claims against the society and subject to the provisions of this Act to decide questions of priority arising out of such claims, and to pay rateably according to the amount of such debts, the surplus if any being applied in payment of interest from the date of liquidation at a rate to be fixed by the Registrar and not exceeding the contract rate ;

(i) to determine by what persons and in what proportion the cost of the liquidation shall be borne ;

(j) to give such directions in regard to the collection and distribution of the assets of the society as may appear to him to be necessary for winding up the affairs of the society ;

(k) to fix the time or times within which creditors shall prove their debts and claims or be included for the benefit of any distribution made before those debts or claims are proved ;

(l) to carry on the business of the society so far as may be necessary for the beneficial winding up of the same :

Provided that no liquidator shall determine the contribution, debt or dues to be recovered from ¹[a member or] a past member or the representative of a deceased member unless opportunity has been given to such ²[member or] past member or to such representative to answer the claim.

50A. (1) Where, in the course of ³[an audit under section 22 or an inquiry under section 43 or an inspection under section 44 or], the winding up of a society it appears that any person who has taken part in the organization or management of the society or any past or present chairman, secretary, member of the managing committee or officer of the society has misapplied or retained or become liable or accountable for any money or property of the society or has been guilty of misfeasance or breach of trust in relation to the society, the Registrar may, on the application of ⁴[the officer conducting the audit or holding the inquiry or inspection, of or] the liquidator or of any creditor or contributory, examine into the conduct of such person and ⁵[after giving reasonable opportunity to the person concerned to submit his explanation], make an order requiring him to repay or restore the money or property or any part thereof respectively with interest at such rate as the Registrar thinks just or to contribute such sum to the assets of the society by way of compensation in regard to the misapplication, retainer, misfeasance or breach of trust as the Registrar thinks just.

Power of Registrar to assess damage against delinquent promoters, etc.

(2) This section shall apply notwithstanding that the act is one for which the offender may be criminally responsible.

51. Save in so far as is expressly provided in this Act no civil court shall take cognizance of any matter connected with the winding up or dissolution of a society under this Act and when a winding up order has been made no suit or other legal proceeding shall lie or be proceeded with against the society except by leave of the Registrar and subject to such terms as he may impose.

Bar of suit in winding up and dissolution matters.

¹ These words were inserted by Bom. 28 of 1948, s. 26 (a).

² These words were inserted, *ibid.*, s. 26 (b).

³ These words and figures were inserted, *ibid.*, s. 27 (i).

⁴ These words were inserted, *ibid.*, s. 27 (ii).

⁵ These words were inserted, *ibid.*, s. 27 (iii).

Disposal
of surplus
assets.

52. After all the liabilities including the paid-up share capital of a cancelled society have been met, the surplus assets shall not be divided amongst its members but they shall be devoted to any object or objects described in the by-laws of the society and when no object is so described to any object of public utility determined by the general meeting of the society and approved by the Registrar or they may in consultation with them either be assigned by the Registrar in whole or in part to any or all of the following :

(a) an object of public utility of local or communal interest,

(b) a charitable purpose as defined in section 2 of the Charitable Endowments Act, 1890, VI of 1890.

(c) the Bombay Central Co-operative Institute, or may be placed on deposit with a Central Co-operative Bank [until such time as a new society with similar objects is registered and is classified by the Registrar as falling under the head or sub-head specified in clause (h) of section 3 under which the cancelled society was classified] when with the consent of the Registrar such surplus may be credited to the reserve fund of such new society.

Surplus
assets of
housing
society.

53. Where the society directed to be wound up is a housing society, its assets, both moveable and immovable, shall for the purposes of winding up or dissolution of the society jointly vest, subject to all rights and equities, in three persons of whom one shall be nominated by the Registrar, one shall be nominated by the said Society in a general meeting specifically called for the purpose and one shall be nominated by the Bombay Central Co-operative Institute. Such persons shall for the purpose of winding up or dissolution of the society be Joint Liquidators and shall have all the powers of a liquidator under this Act. They may, with the sanction of the Registrar, continue the working of the society, or may, subject to his sanction and in consultation with the members of the society in a general meeting, reconstruct the society or may sell off the premises of the society to the best advantage of all interests concerned, and when all the liabilities of the society are met may, dispose of the surplus assets of the society if any, as provided in section 52.

Arbitration.

54. ³[(1)] ⁴[(a)] If any dispute touching the ⁵[constitution or] business of society arises between members or past members of the society or persons claiming through a member or past member or between members or past members or persons so claiming and any officer, agent or servant of the society ⁶[past or present] or between the society or its committee, and any officer, agent, member or servant of the society ⁶[past or present], it shall be referred to the Registrar for decision by himself or his nominee or if either of the parties so desires, to arbitration of three arbitrators who shall be the Registrar or his nominee and two persons of whom one shall be nominated by each of the parties concerned.

¹ See Central Acts.

² These words, brackets, letter and figure were substituted for the words "until such time as a new Society with similar conditions is registered" by Bom. 73 of 1954, s. 5.

³ Section 54 was renumbered as sub-section (1) of that section by Bom. 22 of 1952, s. 9.

⁴ Sub-section (1) was renumbered as clause (a) of that sub-section by Bom. 73 of 1954, s. 6 (1).

⁵ These words were inserted by Bom. 28 of 1948, s. 28.

⁶ The words "past or present" were inserted by Bom. 16 of 1943, s. 2, read with s. 2 of Bom. 28 of 1948.

A dispute shall include claims by a society for debts or demands due to it from a member or past member or the heirs or assets of a past member ¹[as well as claims by a member or past member or the heirs of a past member for any debts or demands due to him from the society,] whether such debts or demands be admitted or not :

Provided that if the question at issue between a society and a claimant, or between different claimants, is one involving complicated questions of law and fact, the Registrar may, if he thinks fit, suspend proceedings in the matter until the question has been tried by a regular suit instituted by one of the parties or by the society. If no such suit is instituted within six months of the Registrar's order suspending proceedings the Registrar shall take action as laid down in paragraph 1. of this section.

²[(b) Notwithstanding anything contained in clause (a), any dispute regarding the election of any office bearer of a society may, within one month from the date of declaration of the result of such election, be referred by any candidate at such election or any member of the society, to the Registrar for decision by himself or his nominee.]

¹ These words were inserted by Bom. 41 of 1953, s. 4.

² This clause was added by Bom. 73 [of.] 1954, s. 6 (2).

(c) a society or an officer or member thereof wilfully makes a false return or furnishes false information ; or Wilful furnishing of false information.

(d) any person wilfully or without any reasonable excuse disobeys any summons, requisition or lawful written orders issued under the provisions of this Act or does not furnish any information lawfully required from him by a person authorised to do so under the provisions of this Act. Disobedience of summons, requisition or order.

¹[60-A. Any officer of a society who wilfully recommends or sanctions, for his own personal use or benefit, loan in the name of any other person shall, on conviction, be punishable with fine which may extend to five hundred rupees.] Penalty for offences sanctioning benami loans.

²[60-B. Any employer, who, without sufficient cause, fails to pay to the society the amount deducted by him under sub-section (2) of section 24A within a period of fourteen days from the date on which such deduction is made shall, without prejudice to any action that may be taken against him under any law for the time being in force, on conviction, be punished with imprisonment for a term which may extend to one month or with fine which may extend to five thousand rupees or with both : Penalty for failure to pay amount under section 24A and offences by corporations.

] provided that if such employer is a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.]

61. Every society, officer or member of a society or other person guilty of an offence under this Act for which no penalty is expressly provided herein shall be liable to a fine not exceeding Rs. 50. Penalty for offences not otherwise provided for.

¹ Section 60A was inserted by Bom. 28 of 1948, s. 38.
Section 60B was inserted by Bom. 73 of 1954, s. 7.

62. (1) No person other than a registered society shall without the sanction of ^{Prohibition of the use of the word "co-operative".} [the ²[State] Government] trade or carry on business under any name or title of which the word "co-operative" or its vernacular equivalent forms part :

Provided that nothing in this section shall apply to the use by any person or his successor in interest of any name or title under which he traded or carried on business at the date on which this Act comes into operation.

(2) Whoever contravenes the provisions of this section shall be punishable with fine which may extend to fifty rupees and in the case of a continuing offence with further fine of five rupees for each day on which the offence is continued after conviction therefor.

63. (1) No court inferior to that of a Presidency Magistrate or a Magistrate ^{Cognizance of offences.} of the First Class shall try any offence under this Act.

v
1898. ³[(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898,—

(a) every offence under this Act shall, for the purposes of the said Code, be deemed to be non-cognizable ;

(b) it shall be lawful for a Presidency Magistrate or a Magistrate of the First Class to pass a sentence of fine exceeding one thousand rupees on any person convicted of an offence under section 60B.

(3) No prosecution under this Act shall be lodged except with the previous sanction of the State Government in the case of an offence under section 60B and of the Registrar in the case of any other offence under this Act. Such sanction shall not be given except after hearing the party concerned by an officer authorised in this behalf by the State Government by a general or special order.]

⁴[CHAPTER X.

APPEALS AND REVISION.]

⁵[63A. (1) The ²[State] Government shall constitute a Tribunal, called the ^{Bombay Co-operative Tribunal.} Bombay Co-operative Tribunal, to exercise the functions conferred on the Tribunal by or under this Act.

(2) The Tribunal shall consist of not more than three members possessing such qualifications as may be prescribed.

⁶[(2-A) Where the Tribunal consists of three members, any two members of the Tribunal shall form the quorum for the disposal of its business.]

(3) Any vacancy in the membership of the Tribunal shall be filled by the ²[State] Government.

(4) Subject to the previous sanction of the ²[State] Government, the Tribunal shall frame regulations consistent with the provisions of this Act and rules made thereunder, for regulating its procedure and the disposal of its business.

¹ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ These sub-sections were substituted for the original by Bom. 73 of 1954, s. 8.

⁴ The words and figures "Chapter X.—Appeals and Revision" were substituted for the words "Appeals and Revision" by Bom. 8 of 1936, s. 2.

⁵ Section 63A was inserted by Bom. 28 of 1948, s. 37.

⁶ This sub-section was inserted by Bom. 12 of 1950, s. 8 (7).

(5) The regulations made under sub-section (4) shall be published in the *Official Gazette*.

(6) The Tribunal may call for and examine the record of any proceedings in which an appeal lies to it for the purpose of satisfying itself as to the legality or propriety of any decision or order passed. If in any case it shall appear to the Tribunal that any such decision or order should be modified, annulled or reversed, the Tribunal may pass such order thereon as to it may seem fit.

1[(6-A) Where an appeal is made to the Tribunal under section 56 it may in order to prevent the ends of justice being defeated make such interlocutory orders pending the decision of the appeal as may appear to it to be just and convenient or such orders as may be necessary for the ends of justice or to prevent the abuse of the process of the Tribunal.]

(7) An order passed in appeal, or in revision under sub-section (6) ²[or in review under section 63B] by the Tribunal shall be final and conclusive and shall not be liable to be called in question in any civil or revenue court.]

Review of
orders of
Tribunal.

³[63B. (1) The Tribunal may, either on the application of the Registrar or on the application of any party interested, review its own order in any case and pass in reference thereto such order as it thinks fit :

Provided that no such application made by the applicant shall be entertained unless the Tribunal is satisfied that there has been a discovery of new and important matter or evidence which after the exercise of due diligence was not within the knowledge of the applicant or could not be produced by him at the time when its order was made or that there has been some mistake or error apparent on the face of the record or for any other sufficient reason :

Provided further that no such order shall be varied or revised unless notice has been given to the parties interested to appear and be heard in support of such order.

(2) An application for review under sub-section (1) by any party shall be made within 90 days from the date of the communication of the order of the Tribunal.

Tribunal to
have powers
of civil court.

63C. (1) In exercising the functions conferred on it by or under this Act, the Tribunal shall have the same powers as are vested in courts in respect of—

(a) proof of facts by affidavits ;

(b) summoning and enforcing the attendance of any person and examining him on oath ;

(c) compelling the production of documents ; and

(d) issuing commissions for the examination of witnesses.

(2) In the case of any such affidavit, any officer appointed by the Tribunal in his behalf may administer the oath to the deponent.]

¹ This sub-section was inserted by Bom. 12 of 1950, s. 8 (2).

² These words, figures and letter were inserted by Bom. 73 of 1954, s. 9.

³ Sections 63B and 63C were inserted, *ibid.*, s. 10.

¹[64. (1) An appeal against an order or decision under section 10, 16, 45, 47, Appeals. 50 or 50A, shall lie—

(a) if made or sanctioned by the Registrar, to the State Government ;

(b) if made or sanctioned by any person on whom the powers of the Registrar are conferred, to the Registrar :

Provided that no appeal shall lie against an order passed by the Registrar on appeal.

(2) An appeal under sub-section (1) shall be filed within two months of the date of the communication of the order or decision.]

²[64-IA. In all cases in which it is provided under this Act that an appeal may be filed against any decision or order within a specified period, the appellate authority may admit an appeal after the expiry of such period, if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within such period.] Extension of period of limitation by appellate authority in certain cases.

64A. ³[The ⁴[State] Government] and the Registrar may call for and examine the record of any inquiry or the proceedings of any officer subordinate to them ⁵[except those referred to in sub-section (6) of section 63A] for the purpose of satisfying themselves as to the legality or propriety of any decision or order passed and as to the regularity of the proceedings of such officer. If in any case, it shall appear to ⁶[the ⁴[State] Government] or the Registrar that any decision or order or proceedings so called for should be modified, annulled or reversed, ⁷[the ⁴[State] Government] or the Registrar, as the case may be, may pass such order thereon as to it or him may seem fit. Power of [State] Government and the Registrar to call for proceedings of Subordinate Officers and to pass orders thereon.

⁸[CHAPTER XI.

⁷[^{8*}[FARMING SOCIETIES.]

⁹[64B. This Chapter shall apply to ^{8*} Farming Societies :

Provided that the ⁴[State] Government may, by general or special order, direct that the provisions of this Chapter shall also apply to any other class of societies and thereupon they shall apply as if such societies were ^{8*} Farming Societies.] Application of this Chapter.

64C. In this Chapter, unless there is anything repugnant in the subject or context,—

(a) "Board" means the Board constituted under section 64D ;

10* * * * *

(c) "Director of Agriculture" means the officer appointed for the time being to be the Director of Agriculture, and includes any officer appointed by ⁸[the ⁴[State] Government] to perform the duties of the Director of Agriculture under this Act ;

(d) "Inquiry Officer" means an officer appointed to hold an inquiry under this Chapter ;

¹ Section 64 was substituted for the original, by Bom. 73 of 1954, s. 11.

² Section 64A-1A was inserted by Bom. 12 of 1950, s. 9.

³ The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

⁴ The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁵ These words, brackets, figures and letter were inserted by Bom. 28 of 1948, s. 39.

⁶ Chapter XI was inserted by Bom. 8 of 1936, s. 3.

⁷ These words were substituted for the words "Crop Protection Societies" by Bom. 28 of 1948, s. 40.

⁸ The word "Better" was deleted by Bom. 14 of 1949, s. 7 (7).

⁹ Section 64B was substituted for the original by Bom. 28 of 1948, s. 41.

¹⁰ Clause (b) was deleted by Bom. 14 of 1949, s. 7 (2).

SECTIONS.

- prescribing taxes ;
- writing off amounts due.
- Approval required to rules.
- Officers transferred from or to the service of the Government.
- Notice required in certain cases of dismissal.
- 58A. Discretionary power to make rules.
- 59. Rules made with approval of Commissioner or without approval.
- 60. Power to suspend, reduce or abolish any existing tax.
- 61. Power to make by-laws ;
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 - licensing, regulating and inspecting certain businesses ;
 - use of steam whistles, etc. ;
 - pilgrims' lodging houses ;
 - stalling of cattle, etc ;
 - milk shops ;
 - for regulating dairies and cattle-sheds ;
 - milk-stores, etc. ;
 - registration of births, etc. ;
 - regulating the disposal of the dead ;
 - for enforcing supply of information as to epidemics ;
 - for enforcing information as to liability to municipal taxation ;
 - octroi ;
 - terminal tax ;
 - for protecting water ;
 - public baths, etc. ;
 - conservancy ;
 - temporary structures and buildings ;
 - buildings ;
 - streets ;
 - ventilation ;
 - for requiring lighting staircases, etc., at night ;
 - qualified surveyors ;
 - drains ;
 - requiring information and plans in certain cases ;
 - controlling unwieldy traffic ;
 - public parks ;
 - general regulation.
- Fine may be imposed for infringement of by-laws.
- Publication of drafts of proposed by-laws.
- Objections and suggestions to be submitted to Central or State Government.
- 62. Rules and by-laws to be printed and sold.

CHAPTER V.

MUNICIPAL PROPERTY AND FUND.

- 63. Power to acquire and hold property for the purposes of the Act.
- 64. Decision of claims to property by or against the municipality.
- 65. Municipal fund.
- Special trusts.

SECTIONS.

- 66. Application of municipal property and funds within and without the municipal boroughs.
- 67. Power to deposit and invest surplus funds.
Surplus not so deposited or invested how to be dealt with.

CHAPTER VI.**OBLIGATORY AND DISCRETIONAL FUNCTIONS OF MUNICIPALITIES.**

- 68. Duties of municipalities.
- 69. Provision for anti-rabic treatment of indigent persons.
- 70. Provision for lunatics and lepers.
- 70A. Analysis and inspection of water supplied through pipes.
- 71. Discretionary powers of expenditure of municipalities.
- 72. Arrangements purporting to be binding permanently or for a term of years,

CHAPTER VII.**MUNICIPAL TAXATION.***(1) Imposition of Taxes.*

- 73. Taxes which may be imposed.
- 74. Payment to be made to the municipality in lieu of a rate on buildings by the Government concerned or the Government Representative, as the case may be.
- 75. Procedure preliminary to imposing tax.
- 76. Power to sanction, modify and impose conditions.
- 77. Publication of sanctioned rules with notice.
- 77A. Municipalities empowered by State Government to levy taxes at varying amount of rate.

(2) Assessment of and liability to rates on buildings or lands.

- 78. Preparation of an assessment-list.
Power to inspect and require returns.
- 79. Person primarily liable for a rate on buildings or lands or both how to be designated if his name cannot be ascertained.
Occupier liable for a rate on buildings or lands or both until he gives information.
- 80. Publication of notice of assessment list.
- 81. Public notice of time fixed for lodging objections.
Objections how to be made.
Hearing of objections.
Authentication of list.
Custody and inspection of list.
Authenticated list how far conclusive.
- 82. Amendment of assessment list. Notice of new buildings.
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84. New assessment-list need not be prepared every year.
- 84A. Power of State Government to appoint person to prepare and authenticate list in case of default by municipality:
85. Tax from whom primarily leviable.
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Remedy of occupier in such case.
86. Remission of tax in case of vacancies : when obligatory.
When discretionary.
Burden of proof on claimant.
Explanatory clause.
87. Notice to be given to the Chief Officer of all transfers of title of persons primarily liable to payment of a rate on buildings or lands.
88. Form of notice.
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90. Fees may be charged for certain licences.
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93. Octroi by-laws to be submitted with proposal for imposition of octroi.
94. Power to examine articles liable to octroi.
Power to search where octroi is leviable.
95. Presentation of bills for octroi.
96. Penalty for evasion of octroi.
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98. Power to seize vehicle or animal or goods on non-payment of octroi or toll.
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Release of property on payment.
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Surplus how dealt with.
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- 114. Power regarding public streets, etc.
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Penalty.
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BOMBAY ACT No. XVIII OF 1925.¹

[THE BOMBAY MUNICIPAL BOROUGHS ACT, 1925.]

[8th June 1926]

Amended by Bom. 10 of 1926.

"	"	"	1 of 1927.
"	"	"	12 of 1927.
"	"	"	3 of 1930.
"	"	"	4 of 1930.
"	"	"	9 of 1930.
"	"	"	25 of 1930.
"	"	"	12 of 1931.
"	"	"	23 of 1931.
"	"	"	7 of 1932.
"	"	"	15 of 1932.
"	"	"	17 of 1933.
"	"	"	14 of 1934.
"	"	"	19 of 1935.
"	"	"	14 of 1936.
"	"	"	15 of 1936.
"	"	"	24 of 1936.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

¹ For Statement of Objects and Reasons see *Bombay Government Gazette*, 1925, Part V, pages 187-195 ; for Report of the Select Committee, see *ibid.*, pages 335-342 ; and for Proceedings in Council, see Council Debates, 1925, Volumes XV and XVI.

Amended by Bom. 9 of 1938.*

" " " 8 of 1939.
 " " " 20 of 1944.†
 " " " 17 of 1945.‡
 " " " 22 of 1945.†
 " " " 7 of 1946.†
 " " " 1 of 1947.
 " " " 2 of 1947.
 " " " 41 of 1947.§

Adapted by the India (Adaptation of Existing Indian Laws) Order, 1947.

Amended by Bom. 36 of 1949.

" " " 8 of 1950.
 " " " 17 of 1950.**

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 40 of 1950.

" " " 9 of 1951.
 " " " 44 of 1951.
 " " " 26 of 1953.
 " " " 8 of 1954.
 " " " 20 of 1954.
 " " " 35 of 1954.
 " " " 53 of 1954.
 " " " 54 of 1954.‡

* Section 9 of Bom. 9 of 1938, reads as under :—

Saving.

" 9. (1) Nothing in this Act shall affect any municipality constituted under the District Act or the Boroughs Act or any committee of such municipality constituted immediately before the commencement of this Act, and no appointment, notification, notice, tax, order, scheme, licence, permission, rule, by-law, or form made, issued or imposed by or in respect of such municipality or committee shall be deemed to be invalid by reason only of the fact that this Act has come into force.

(2) Notwithstanding anything contained in this Act, any casual vacancy in such municipality or any committee thereof, shall in the case of a municipality constituted under the District Act, subject to section 17 of the said Act and in the case of municipality constituted under the Boroughs Act subject, to section 25 of the said Act, be filled in the manner provided by either of the said Acts, as the case may be, as if this had not come into force".

† These Acts have been repealed and re-enacted by Bom. I of 1947.

‡ This Act was repealed and re-enacted, and the amendments made by section 9 and schedule E of the said Act have been continued in force by Bom. 52 of 1947, s. 2.

§ Section 7 of Bom. 41 of 1947 reads as under :—

Savings.

7. Nothing in this Act shall affect any local board or any municipality constituted immediately before the coming into operation of this Act; and notwithstanding anything contained in this Act any casual vacancy in such local board or municipality shall be filled in the manner provided by the respective principal Act under which it was constituted, as if this Act had not come into operation."

** Section 8 of Bom. 17 of 1950 reads as follows :—

Saving.

" 8. Nothing in this Act shall affect the right of any Councillors or members elected to fill the seats reserved for Muslims or Muhammedans, Anglo Indians or Indian Christians to continue as a Councillor or member of a municipality, local board or village panchayat, as the case may be during the term of the office for which he was validly elected before this Act came into force.

†† Amendments made by this Act have been given retrospective effect, see s. 3 of Bom. 54 of 1954.

unless he has, by an order which ¹[the ²[State] Government] is hereby empowered to make, if it shall think fit, in this behalf been relieved from the disqualification arising on account of ³[such removal] from office or ;

(b) who is an uncertificated bankrupt or an undischarged insolvent or ;

(c) who is a Judge.

(2) No person—

(a) who is a subordinate officer or servant of a municipality, or

⁴[(aa) who fails to pay any arrears of any kind due by him to the Municipality (otherwise than as a trustee) within three months after a special notice in this behalf has been served upon him, or]

(b) who, save as hereinafter provided, has directly or indirectly, by himself or his partner any share or interest in any work done by order of a municipality, or in any contract or employment with or under or by or on behalf of a municipality, ⁵[or

(c) who has directly or indirectly, by himself or his partner, any share or interest in any transaction of loan of money advanced to, or borrowed from, any officer or servant of the municipality,]
may be a councillor of such municipality.

(3) A person shall not be deemed to have incurred disqualification under clause (b) of sub-section (2) by reason of his—

(i) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, or

(ii) having a share or interest in any joint-stock company or in any society, registered or deemed to be registered under the Co-operative Societies Act, which shall contract with or be employed by or on behalf of the municipality, or

(iii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the municipality may be inserted, or

(iv) holding a debenture or being otherwise interested in any loan raised by or on behalf of the municipality, or

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(vi) having a share or interest in the occasional sale to the municipality of any article in which he regularly trades, or in the purchase from the municipality of any article, to a value in either case not exceeding in any official year five hundred rupees or such higher amount not exceeding two thousand rupees as the municipality with the sanction of ¹[the ²[State] Government] may fix in this behalf, or

¹ The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ These words were substituted for the words "such sentence or removal" by Bom. 35 of 1954, s. 18 (1).

⁴ Clause (aa) was inserted, *ibid.*, s. 18 (2).

⁵ This portion was inserted by Bom. 36 of 1949, s. 3 (i).

⁶ Clause (v) was deleted, *ibid.*, s. 3 (ii).

(vii) having a share or interest in the occasional letting out on hire to the municipality or in the hiring from the municipality of any article for an amount not exceeding in any official year fifty rupees, or such higher amount not exceeding two hundred rupees as the municipality with the sanction of ¹[the ²[State] Government] may fix in this behalf, or

(viii) being a party to any agreement made with the municipality under the provisions of section 91 or of proviso (a) to sub-section (1) of section 194.

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Operation
of lists.

13. (1) When, in accordance with rules framed under ⁴[clause (c) of sub-section (1) of section 10], a list of voters has been prepared or, upon a general revision completed, a copy thereof signed by such person as may be designated in this behalf in the rules aforesaid shall be the Municipal Election Roll. A new Election Roll shall be published in each year on such date as may be prescribed by the rules, and shall continue in operation for a period of twelve months from that day :

Provided that if a new Election Roll is not published in any year before the date prescribed, the roll then in operation shall continue in operation until the new roll is published.

Right to vote
to depend on
entry in roll.

(2) At every election of councillors every person enrolled in the Municipal Election Roll as for the time being in operation under sub-section (1), shall be deemed to be entitled to vote, and every person not so enrolled shall be deemed to be not entitled to vote.

Enrolment
in Municipal
Election Roll
necessary for
elected
councillor.
Representative of an
Association.
Determination of
validity of
elections.

14. 5* * * * *

..... If any company, body corporate, or other association of individuals is enrolled in the Municipal Election Roll, any one person duly authorised in this behalf by a resolution of such company, body or association to represent such association shall be deemed to be qualified to be elected a councillor.

15. (1) If the validity of any election of a councillor is brought in question by any person qualified to vote at the election to which such question refers, such person may, at any time within ten days after the date of the declaration of the result of the election, apply to the District Court of the district within which the election has been or should have been held, for the determination of such question :

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(2) An inquiry shall thereupon be held by a Judge, not below the grade of an Assistant Judge, appointed by ¹[the ²[State] Government] either specially for the case or for such cases generally ; and such Judge may, after such inquiry as he

¹ The words " the Provincial Government " were substituted for the words " the Government " by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

³ Sub-sections (4) and (5) were deleted by Bom. 53 of 1954, s. 6.

⁴ These words, figures, letter and brackets were substituted for the original words by Bom. 10 of 1928, s. 2, which takes effect from the date when the original Act came into operation.

⁵ The words " A person shall not be qualified to be elected a Councillor unless he is enrolled in the Municipal Election Roll Provided that " were deleted by Bom. 17 of 1950, s. 5 (3).

⁶ The proviso was deleted by Bom. 17 of 1945 read with Bom. 8 of 1950, ss. 5 and 11.

(4) *Appointment of presidents and vice-presidents.*

18. (1) A municipality shall be presided over by a president who shall be elected by the councillors from among their number. There shall be a vice-president similarly elected for each municipality. No salaried ¹[servant of the ²[Government]] shall be eligible for election as president or vice-president of a municipality and the election of any such person shall be void.

Election of president and vice-president. Continuance of president or vice-president holding office at the commencement of this Act.

(2) A president or vice-president holding office in a municipal district, included or hereafter included in Schedule I, at the time of such inclusion shall be deemed to have been elected under this section and shall continue to hold the office of president or vice-president as the case may be until a fresh election has been held under the provisions of this Act.

19. (1) Save as otherwise provided in this Act a president or vice-president, shall hold his office for such term, not less than one year ³[or not less than the residue of the term of office of the municipality, whichever is less] and not exceeding ⁴[four years], as the municipality shall, previous to the election of the president or vice-president determine, or until the expiry within the said term of his term of office, as councillor, but shall be eligible for re-election :

Term of office of president and vice-president.

Provided that the term of office of such president or vice-president shall be deemed to extend to and expire with the date on which his successor is elected.

⁵[Provided further that where the term of office of a municipality is extended under this Act to a term not exceeding in the aggregate five years the president and vice-president holding offices immediately before the date with effect from which such term is extended shall continue to hold their respective offices until the date on which the term so extended expires.]

(2) On the expiry of the term of office of a municipality the president and vice-president shall continue to carry ⁶[on] the current administrative duties of their offices until such time as a new president and vice-president shall have been elected and shall have taken over charge of their duties :

President and Vice-president to continue to carry out certain duties until their successors take over charges.

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⁸[19A. (1) When a new municipality is constituted after a general election the Collector shall call a meeting for the election of a president and vice-president. The meeting shall be called within twenty-five days from the date on which the names of the councillors of the new municipality are published in the *Official Gazette*, under section 17, but shall not be held on a date prior to the date on which the term of office of the retiring councillors prescribed or extended, as the case may be, under sub-section (1) of section 25 expires, or on which the municipality is re-established under sub-section (3) of section 219 after dissolution or under sub-section (5) of section 219 after supersession, as the case may be.

Election of president and vice-president.

¹ The words "servant of the Crown" were substituted for the words "servant of Government", by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

³ These words were inserted by Bom. 54 of 1954, s. 2 (1).

⁴ These words were substituted for the words "Three years" *ibid.*, s. 2 (2). The amendments made by s. 2 of Bom. 54 of 1954 have been given retrospective effect (*vide* s. 3 of Bom. 54 of 1954.)

⁵ This proviso was added by Bom. 35 of 1954, s. 21.

⁶ The word "on" was substituted for the word "out" by Bom. 10 of 1935, s. 2 (1) (a).

⁷ The proviso and sub-section (3) were deleted by Bom. 8 of 1939, s. 3 (b) (i) and (ii).

⁸ Section 19A was inserted, *ibid.*, s. 3 (c).

¹[(2) The meeting called under sub-section (1) shall be presided over by the Collector or such officer as the Collector may by order in writing appoint in this behalf. The Collector or such officer shall, when presiding over such meeting, have the same powers as the President of a municipality when presiding over a meeting of the municipality has, but shall not have the right to vote :

Provided that notwithstanding anything contained in section 35, the Collector or the officer presiding over such meeting may, for reasons which in his opinion are sufficient, refuse to adjourn such meeting.

(3) No business other than the election of the President and the Vice-President shall be transacted at such meeting.

(4) If in the election of the President or the Vice-President there is an equality of votes, the result of the election shall be decided by lot to be drawn in the presence of the Collector or the officer presiding in such manner as he may determine.]

Resignation
of president
and vice-
president.

20. A president may resign his office by tendering his resignation in writing to the municipality ; and such resignation shall take effect on its acceptance by the municipality. Such acceptance shall be published in the ²[*Official Gazette*]. A vice-president may resign his office by tendering his resignation in writing to the president.

Liability of
president
and vice-
president
to removal.

³[21. (1)] A president or vice-president shall be removable from his office as such president or vice-president by the municipality by a resolution passed to that effect, provided that three-fourths of the whole number of the councillors of the municipality vote in favour of such resolution and provided, further, that before such resolution is passed the president or vice-president is given a reasonable opportunity of showing cause why such resolution should not be passed.

⁴[(2) A President or Vice-President shall also be removable from his office as such President or Vice-President by the State Government for misconduct, or neglect of, or incapacity to perform his duty and the President or Vice-President so removed shall not be eligible for re-election as a President or Vice-President during the remainder of the term of office of the municipality.]

Consequences
of absence of
president or
vice-presi-
dent without
leave.

22. (1) Every president who for a period exceeding three months and every vice-president who for a period exceeding one month, shall absent himself from the municipal borough in such manner as to be unable to perform his duties as such president or vice-president, shall cease to be president or vice-president unless leave so to absent himself has been granted by the municipality.

Limit to
grant of
leave, and
arrangement
pending
absence of
vice-presi-
dent.

(2) Leave under sub-section (1) shall not be granted for a period exceeding six months, and whenever leave is granted to a vice-president under that sub-section, a councillor shall be elected by the councillors from among their number to perform all the duties and exercise all the powers of the vice-president, during the period, for which such leave is granted.

¹ Sub-sections (2), (3) and (4) were substituted for the original by Bom. 40 of 1950, s. 6.

² The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

³ Section 21 was re-numbered as section 21 (1) by Bom. 40 of 1950, s. 7.

⁴ Sub-section (2) was added, *ibid*.

(ii) in which he is professionally interested on behalf of a principal or other person, or

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²[(bb) is professionally interested or engaged in any case for or against the municipality, or]

(c) depart beyond the limits of the Presidency with the declared or known intention of absenting himself continuously for a period exceeding six months, or

(d) not being a president or vice-president or a salaried ³[servant of the ⁴[Government]] absent himself during four successive months from the meetings of the municipality, except with the leave of the municipality,

(e)

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he shall ⁶[subject to the provisions of sub-section (2)] be disabled from continuing to be a councillor and his office shall become vacant.

⁷[*Explanation.*—For the purposes of clause (d) when a councillor applies for leave of absence, leave of the municipality shall be presumed to have been granted unless it is refused within a period of ninety days from the date of his application.]

⁸[(2) In every case, the authority competent to decide whether a vacancy has arisen shall be the Collector. The Collector may give his decision either on an application made to him by any person or on his own motion. Until the Collector decides that the vacancy has arisen, the councillor shall not be disabled under sub-section (1) from continuing to be a councillor. ⁹[Any person aggrieved by the decision of the Collector may, within a period of fifteen days from the date of such decision, appeal] to the ¹⁰[State] Government and the orders passed by the ¹⁰[State] Government in such appeal shall be final :

Provided that no order shall be passed under this sub-section by the Collector against any councillor without giving him a reasonable opportunity of being heard].

29. Where a vacancy occurs through the non-acceptance of office by a person elected or appointed to be a councillor, or through such person being disqualified for becoming a councillor, or through any election being set aside under the provisions of sub-section (2) of section 15, or through the death, resignation removal or disability of a councillor previous to the expiry of his term of office the vacancy shall be filled up, as soon as it conveniently may be, by the election

Casual vacancies how to be filled up.

¹ Sub-clause (iii) was deleted by Bom. 36 of 1949, s. 6 (i).

² This clause was inserted, *ibid.*

³ The words "servant of the Crown" were substituted for the words "servant of the Government" by the Adaptation of Indian Laws Order in Council.

⁴ This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

⁵ Clause (e) was deleted by Bom. 35 of 1954, s. 23.

⁶ These words, brackets and figure were inserted by Bom. 8 of 1939, s. 3 (f) (i).

⁷ This Explanation was added by Bom. 36 of 1949, s. 6 (ii).

⁸ This sub-section was substituted for the original by Bom. 8 of 1939, s. 3 (f) (ii).

⁹ These words were substituted for the words "An appeal shall lie against every such decision of the Collector" by Bom. 36 of 1949, s. 6 (iii).

¹⁰ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

or nomination as the case may be of a person thereto, who shall hold office so long only as the councillor in whose place he is elected or nominated would have held it if the vacancy had not occurred. ¹[Provided that no election shall be held to fill up a vacancy occurring within four months of the date on which the term of the municipality expires.]

²[A councillor * * * * *
* * whose office has become vacant under section 28 shall, if his disability has ceased, be eligible for re-election.]

(6) *Municipal Government. Functions of President and Vice-President.*

Municipal
government
vests in the
municipality.

30. (1) Except as in this Act otherwise expressly provided, the municipal government of a municipal borough vests in the municipality.

Executive
power vests
in the Chief
Officer.

(2) The executive power for the purpose of carrying out the provisions of this Act vests in the Chief Officer appointed under section 33, subject, wherever it is in this Act expressly so directed, to the approval or sanction of the municipality or of the standing committee and subject also to all other restrictions limitations and conditions imposed by this Act and the rules made thereunder.

Function of
president.

31. It shall be the duty of the president of a municipality—

(a) to preside, unless prevented by reasonable cause, at all meetings of the municipality, and subject to the provisions of the rules for the time being in force under clause (a) of section 58 to regulate the conduct of business at such meetings ;

(b) to watch over the financial and executive administration of the municipality and to perform such executive functions as may be allotted to him by or under this Act ;

(c) to exercise supervision and control over the acts and proceedings of all officers and servants of the municipality in matters of executive administration and in matters concerning the accounts and records of the municipality ; and, subject to the rules of the municipality at the time being in force, to dispose of all questions relating to the service of the said officers and servants and their pay, privileges and allowances ;

(d) the president of a municipality may in cases of emergency direct the execution or stoppage of any work or the doing of any act which requires the sanction of the municipality, and the immediate execution or doing of which is, in his opinion necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the municipal fund :

Provided that—

(a) he shall not act under this section in contravention of any order of the municipality prohibiting the execution of any particular work or the doing of any particular act, and

(b) he shall report forthwith the action taken under this section and the reason therefor to the standing committee at its next meeting.

¹ This proviso was added by Bom. 19 of 1936, s. 5.

² This paragraph was substituted for the original by Bom. 36 of 1949, s. 7.

³ The words, brackets and figures " whose seat has been deemed vacant under sub-section (4) of section 12 or " have been deleted, by Bom. 53 of 1954, s. 7.

32. It shall be the duty of the vice-president of a municipality—Functions
of vice-presi-
dents.

(a) in the absence of the president and unless prevented by reasonable cause, to preside at the meetings of the municipality and he shall when so presiding exercise the same authority as is vested in the president under clause (a) of section 31;

(b) to exercise such of the powers and perform such of the duties of the president as the president may from time to time depute to him; and

(c) pending the election of a president, or during the absence of the president to exercise the powers and perform the duties of the president.

(7) Appointment and powers of chief and other municipal officers.

¹**33.** (1) There shall be a chief officer in every municipal borough who shall be a graduate of a recognized university or a qualified engineer appointed by the municipality:

Appointment
of Chief
Officer:
Conditions
of tenure.

²[Provided that a person who is not a graduate of a recognized University or a qualified engineer may be appointed as a Chief Officer in the following cases:—

(i) if such appointment is temporary or

(ii) if the municipal borough has an annual income of less than two lacs of rupees:

Provided further that—

(a) in the case falling under clause (i), the previous sanction of the Director of Local Authorities shall be obtained if the temporary period of appointment exceeds two months at a time;

(b) in the case falling under clause (ii), the previous sanction of the State Government shall be obtained.

³(1A) Nothing in sub-section (1) shall apply in respect of a Chief Officer permanently appointed as Chief Officer under the Bombay District Municipal Act, 1901, before the coming into force of this Act.]

Bom.
III of
1901.

(2) No Chief Officer shall be removed from office, reduced or suspended unless by the votes of at least two-thirds of the whole number of councillors; and no such officers shall be punishable with fine.]

34. (1) The Chief Officer shall—Powers and
duties of
Chief Officer.

(a) subject to the general control of the president, watch over the financial and executive administration of the municipality and perform all the duties and exercise all the powers specifically imposed or conferred upon him by, or delegated to him under this Act;

(b) subject to the provisions of sub-section (4), exercise supervision and control over the acts and proceedings of all officers and servants of the municipality as regards appointments referred to in clause (c) in matters of executive administration and in matters concerning the accounts and records of the municipality; and subject further to the rules of the municipality for the time being in force, dispose of all questions relating to the service of the officer and servants and their pay, privileges, leave and allowances;

¹ This section was substituted for the original section by Bom. I of 1926, s. 3, which takes effect from the date when the original Act came into operation.

² This portion was substituted for the proviso by Bom. 53 of 1954, s. 8.

(c) subject to the provisions of sub-section (4) appoint to any post the monthly salary for which as fixed by rules made under clause (c) of section 58 does not exceed Rs. 50 and to any other post the appointment to which has not been otherwise provided for by such rules ;

(d) with the permission of the President furnish to the Collector, or such other officer as the Collector shall from time to time nominate in this behalf, a copy of every resolution passed at any meeting of the municipality ;

(e) subject to the provisions of this Act and of the bye-laws for the time being in force thereunder, grant, give and issue, under his signature all licences and permissions which may be granted or given by the municipality or the standing committee under this Act, other than licences for markets or slaughter-houses ;

(f) receive and recover and credit to the municipal fund all fees payable for licences and permissions granted or given by him under the powers aforesaid ;

(g) subject to the orders of the president, or of the standing committee or of the municipality, as the case may be, take prompt steps to remove any irregularity pointed out by the auditor appointed under section 210 ;

(h) report to the President and the standing committee all cases of fraud, embezzlement, theft, or loss of municipal money and property.

(2) The Chief Officer may—

(a) subject to the provisions of sub-section (4) fine, reduce, suspend or dismiss any municipal servant whose salary does not exceed Rs. 30 and subject further to the provisions of the rules for the time being in force, any other municipal officer or servant, not being the health officer, engineer or auditor of the municipality :

Provided that in respect of any punishment other than a fine not exceeding one week's salary his order shall be subject to an appeal either to the standing committee or, if the rules for the time being in force so provide, to the municipality ;

(b) subject to the provisions of this Act and of the by-laws for the time being in force thereunder, at his discretion suspend, withhold or withdraw any licence, in any case in which he is empowered to grant or give a licence and in which the municipality or the standing committee may suspend, withhold or withdraw such licence ;

(c) with the sanction of the standing committee, delegate any of his powers or duties to any municipal officer or servant :

Provided that such delegation shall be subject to such limitations, if any, as may be prescribed by the standing committee, and also to control and revision by the Chief Officer.

(3) The Chief Officer shall at any time supply any return, statement, account or report or a copy of any document in his charge, called for by the municipality or the standing committee and shall comply with any orders passed by the municipality or of the standing committee thereon.

(4) The powers conferred on the municipality by or under any of the provisions of this Act to appoint, grant leave of absence to, punish or dismiss any master, teacher or other person employed in a primary or other school vested in or maintained by the municipality, or employed in any educational institution aided by the municipality, shall not be exercised by the Chief Officer.

(5) (a) A municipality may appoint a health officer and an engineer or any one or more of such officers, whether temporarily or permanently.

Appointment
of health
officer and
engineer.

(b) No such officer shall be removable from office, reduced or suspended unless by the assent of at least two-thirds of the whole number of councillors, and no such officer shall be punishable with fine.

¹[34A. (1) Notwithstanding anything contained in section 33 and sub-section (5) of section 34, it shall be lawful for ²[the ³[State] Government] on the recommendation of any municipality supported by a resolution passed by a majority of the councillors present at a special general meeting called for the purpose to make in its discretion an order vetoing the continuance in office of any person holding the appointment of a chief officer, a health officer or an engineer :

Power of
³[State]
Government
to require
the removal
of a chief
officer, health
officer or an
engineer.

Provided that—

(a) notwithstanding anything contained in sub-section (7) of section 35, no resolution shall be passed by such meeting unless a quorum shall have been present throughout ; and

(b) no order shall be made under this section unless an inquiry has been made into the matter by such person and in such manner as ²[the ³[State] Government] may direct and unless the person affected by the order has been given a reasonable opportunity at the inquiry of explaining the allegations made against him.

(2) The tenure of office by any person whose continuance in office is vetoed under sub-section (1) shall cease and determine on and from such date as may be appointed by ²[the ³[State] Government], in that behalf].

¹ This section was inserted by Bom. 3 of 1930, s. 2.

² The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

¹(h) * * * * *

¹(i) * * * * *

(j) for the registration of births, deaths, and marriages ²* * * * * registration within the municipal borough and for enforcing the supply of such information of births, as may be necessary to make such registration ³* * * * * effective ; etc. ;

(k) regulating the disposal of the dead and the maintenance of all places for regulating the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the community or section of the community entitled to the use of such places for the disposal of the dead ; the disposal of the dead ;

(l) for enforcing the supply of information as to any cases of dangerous disease, and carrying out the provisions of sections 179 and 180 ; for enforcing supply of information as to epidemics ;

(m) for enforcing the supply of such information by inhabitants of the municipal borough as may be necessary to ascertain their respective liabilities to any tax imposed therein ; for enforcing information as to liability to municipal taxation ;

(n) fixing octroi limits and stations ; providing for the exhibition of tables of octroi ; regulating, subject to any general or special orders which [the State] Government may make in this behalf, the system, under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid, or articles manufactured wholly or in part from such animals or goods, are again exported, and the custody or storage of animals or goods declared not to be intended for use or consumption within the municipal borough ; and prescribing a period of limitation after which no claim for refund of octroi shall be entertained and the minimum amount for which any claim to refund may be made ;

(o) fixing terminal tax limits and stations, providing for the exhibition of tables of terminal tax, and regulating the mode of recovery of such tax ;

(p) for conserving and preventing injury to sources and means of water supply and appliances for the distribution of water, whether within or without the limits of the municipal borough, and regulating all matters and things connected with the supply and use of water and the turning on or turning off and preventing the waste of water, and the construction, maintenance and control of municipal water-works, and of pipes and fittings in connection therewith, whether the property of the municipality or not ; water ;

¹ On the coming into force of Part VI of the Bombay Weights and Measures Act, 1932 (Bom. 15 of 1932) in any area, clauses (h) and (i) shall be deemed to have been repealed.—(Vide Bom. 15 of 1932, s. 47 and Second Schedule, Part II). Clauses (h) and (i) run as follows :—

“(h) for the inspection of weights and measures under section 177 and for the stamping of weights and measures and for charging fees for the same ;

(i) for defining the standard weights and measures used within the municipal borough ;”

² The words “ and the taking of a census ” were omitted by the Adaptation of Indian Laws Order in Council.

³ The words “ or census ” were omitted, *ibid.*

⁴ The words “ the Provincial Government ” were substituted for the words “ the Government ”, *ibid.*

⁵ This word was substituted for the word “ Provincial ” by the Adaptation of Laws Order, 1950.

Explanation.—Sources and means of water supply shall include private wells which are used by the public.

¹[(*pp*) for securing an adequate supply of pure water to persons occupying residential premises;]

- public baths, etc; (q) regulating the use of public bathing and washing places within the municipal borough;
- conservancy; (r) regulating sanitation and conservancy and the disposal of the carcasses of dead animals;
- temporary structures and buildings; (s) regulating the conditions on which permission may be given for the temporary occupation of, or the erection of temporary structures on public streets or for projections over public streets;
- buildings; (t) regulating the structure and dimensions of plinths, walls, foundations, roofs and chimneys of new buildings for the purpose of securing stability and the prevention of fires, and for purposes of health, and determining the purposes for which existing or newly erected buildings may be used in any area;
- streets; (u) for preventing the erection of buildings without adequate provision being made for the location and laying out of streets; and for the payment of compensation in such cases when necessary;
- ventilation; (v) for ensuring the adequate ventilation of buildings by the provision and maintenance of sufficient open space either internal or external and of doors and windows and other means for securing a free circulation of air;
- for requiring lighting staircases, etc., at night; ²[(*vv*) for requiring an owner of a building divided into two or more separate tenements to provide adequate means of lighting at night time a staircase, passage or private court of or in any such building or the spaces near or leading to latrines or urinals or washing places therein and of extinguishing such lights;]
- qualified surveyors; (w) prescribing the qualifications of surveyors or persons by whom plans required under section 123 are to be prepared, or of plumbers; for licensing persons to be surveyors or plumbers and, fixing the fees chargeable for such licences; and for modifying the provisions of or revoking such licences; and prohibiting any alterations or repairs or fittings to water or drainage pipes or house connections being carried out or made except by such persons;
- drains; (x) regulating, in any other particular not specifically provided for in this Act, the construction, maintenance and control of drains, sewers, ventilation shafts, receptacles for dung and manure, cesspools, water closets, privies, latrines, urinals and drainage or sewerage works of every description whether the property of the municipality or not;
- requiring information and plans in certain cases; (y) determining the information and plans to be required by the municipality under sections 117 and 123;
- controlling unwieldy traffic; (z) prohibiting vehicular traffic in any particular street, so as to prevent danger, obstruction or inconvenience to the public, by fixing up posts at both ends of such street or portion of such street, prohibiting the transit of any vehicles of such form, construction, weight or size or laden with such heavy or unwieldy objects

¹ This clause was inserted by Bom. 36 of 1949, s. 10 (b).

² Clause (*vv*) was inserted by Bom. 53 of 1954, s. 9.

as may be deemed likely to cause injury to the roadways or to any construction thereon, or risk or obstruction to other vehicles or to pedestrians along or over any street, except under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants, and other general precautions as may be prescribed either generally in such by-laws or in special licences to be granted in each case upon such terms as to time of application and payment of fees therefor as may be prescribed in such by-laws :

Provided that no such by-law relating only to any particular street or portion of a street shall be deemed to be in force, unless and until notices of such prohibition shall have been posted up by the municipality in conspicuous places at or near both ends of such street or portion of a street ;

(aa) securing the protection of public parks, gardens and open spaces, vested public parks; in or under the control of the municipality, from injury or misuse, regulating their management and the manner in which they may be used by the public, and providing for the proper behaviour of persons in them ;

Bom.
VII of
1920.

¹(bb) prescribing the conditions on or subject to which licences may be granted, refused, suspended or withdrawn for the use of hand-carts, and hand-barrows, other than those plying for hire in respect of which licences have been granted under the Bombay Public Conveyances Act, 1920, and providing for the seizure and detention of any hand-carts or hand-barrows which have not been duly licensed in pursuance of the by-laws made under this section ;

¹(cc) prescribing the conditions on or subject to which licences may be granted, refused, suspended or withdrawn for hawking or exposing for sale in any public place or street any article whatsoever, whether it be for human consumption or not ;

¹ Clauses (bb) and (cc) were inserted by Bom. 19 of 1935, s. 7 (i).

writing, stating the grounds on which the valuation or assessment is disputed; all applications so made shall be registered in a book to be kept by the standing committee for the purpose.

(3) The standing committee, after allowing the applicant an opportunity of ^{Hearing of} being heard in person or by agent, shall— ^{objections.}

(a) investigate and dispose of the objections,

(b) cause the result thereof to be noted in the book kept under sub-section (2), and

(c) cause any amendment necessary in accordance with such result to be made in the assessment list:

¹[Provided that before any such amendment is made the reasons therefor shall be recorded in the book kept under sub-section (2)]

²[Provided further that] powers and duties of the standing committee under this sub-section may be transferred to any other committee appointed by the municipality or with the permission of the Commissioner, to any officer or pensioner of ³[the ⁴[Government]]].

(4) When all objections made under this section have been disposed of and all amendments required by sub-section (3) have been made in the assessment-list, the said list shall be authenticated by the signatures of the chairman and at least one other member of the standing committee, or if the standing committee's powers and functions under sub-section (3) have been transferred to any other committee or to an officer or pensioner of ⁵[the ⁴[Government]]], by the signatures of not less than two members of such committee or of the officer or pensioner aforesaid; the person or persons so authenticating the list shall certify that no valid objection has been made to the valuation and assessment contained in the list except in the cases in which amendments have been made therein. ^{Authenticat-}
^{tion of list.}

(5) The list so authenticated shall be deposited in the municipal office, and shall there be open for inspection during office hours to all owners and occupiers of property entered therein or to the agents of such persons, and a notice that it is so open shall be forthwith published. ^{Custody and}
^{inspection of}
^{list.}

(6) Subject to such alterations as may be made therein under the provisions of section 82 and to the result of any appeal or revision made under section 110, the entries in the assessment list so authenticated and deposited and the entries, if any, inserted in the said list under the provisions of section 82 shall be accepted as conclusive evidence— ^{Authenti-}
^{cated list}
^{how far}
^{conclusive.}

(i) for the purposes of all municipal taxes, of the valuation, or annual letting value on the basis prescribed in the rules regulating the rate, of buildings, lands and both the buildings and lands to which such entries respectively refer, and

(ii) for the purposes of the rate for which such assessment list has been prepared, of the amount of the rate liable on such buildings or lands or both buildings and lands in any official year in which such list is in force.

¹ This proviso was added by Bom. 35 of 1954, s. 26 (').

² These words were substituted for the words "Provided that", *ibid.*, s. 26 (2).

³ The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁴ This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

⁵ The words "the Crown" were substituted for the words "the Government", by the Adaptation of Indian Laws Order in Council.

Amendment
of assess-
ment-list.
Notice
of new
buildings.

82. (1) The standing committee may at any time alter the assessment-list by inserting or altering an entry in respect of any property, such entry having been omitted from or erroneously made in the assessment-list through fraud, accident or mistake or in respect of any building constructed, altered, added to or reconstructed in whole or in part, where such construction, alteration, addition or reconstruction has been completed after the preparation of the assessment-list, after giving notice to any person interested in the alteration of the list of a date not less than one month from the date of service of such notice, before which any objection to the alteration should be made.

Objections
how dealt
with.

(2) An objection made by any person interested in any such alteration, before the time fixed in such notice, and in the manner provided by sub-section (2) of section 81, shall be dealt with in all respects as if it were an application under the said section.

Effect of -
amendment.

(3) An entry or alteration made under this section shall subject to the provisions of section 110, have the same effect as if it had been made in the case of a building constructed, altered, added to or reconstructed on the day on which such construction, alteration, addition or reconstruction was completed or on the day on which the new construction, alteration, addition or reconstruction was first occupied, whichever first occurs, or in other cases, on the earliest day in the current official year on which the circumstances justifying the entry or alteration existed; and the tax or the enhanced tax as the case may be shall be levied in such year in the proportion which the remainder of the year after such day bears to the whole year.

Notice to be
given to the
standing
committee of
demolition or
removal of
a building.

83. (1) When any building or any portion of a building which is liable to the payment of a rate on buildings or lands or both is demolished or removed, otherwise than by order of the standing committee, the person primarily liable for the payment of the said rate shall give notice thereof, in writing, to the Chief Officer.

(2) Until such notice is given the person aforesaid shall continue liable to pay every such rate as he would have been liable to pay in respect of such building, if the same, or any portion thereof, had not been demolished or removed.

(3) Provided that nothing in this section shall apply in respect of a building or portion of a building which has fallen down or been burnt down.

New assess-
ment-list
need not be
prepared
every year.

84. (1) It shall not be necessary to prepare a new assessment-list every year. Subject to the condition that every part of the assessment-list shall be completely revised not less than once in every four years, the Chief Officer may adopt the valuation and assessment contained in the list for any year, with such alterations as may be deemed necessary, for the year immediately following.

(2) But the provisions of sections 80, 81 and 82 shall be applicable every year as if a new assessment list had been completed at the commencement of the official year.

Power of
State
Government
to appoint
persons to
prepare and
authenticate
list in case
of default by
municipality.

1[84A. (1) Where in any year a new assessment list is prepared, or a list is revised, or the valuation and assessment contained in the list for the year immediately preceding is adopted with or without alteration, such new, revised or adopted assessment list shall be authenticated in the manner provided by section 81 at any time not later than the thirty-first day of July of the official year to which the list relates, and if it is not so authenticated, then the State Government shall appoint such person or persons as it thinks fit to prepare, revise or adopt and

¹ Section 84A was inserted by Bom. 53 of 1954, s. 10.

authenticate the assessment list, and thereupon such person or persons shall duly authenticate such list at any time before the last day of the official year to which such list relates, and sections 78 to 81 or section 84 shall, as far as may be, apply to the preparation, revision or adoption of the list, as the case may be, by the person or persons appointed by the State Government.

(2) Where the State Government appoints any person or persons for the purpose of preparing, revising or adopting and authenticating an assessment list under sub-section (1), the expenses incurred by such person or persons for such purpose and the reasonable remuneration payable to such person or persons shall be recovered by the State Government in the manner provided by section 218.]

85. A tax imposed in the form of a rate on buildings or land or both shall be Tax from leviable primarily from the actual occupier of the property upon which the tax is whom assessed if he is the owner of the property, or holds it on a building or other lease primarily leviable. from the ¹[²[Government]] or from the municipality, or on a building lease from any person. Otherwise the tax shall be primarily leviable as follows, namely :—

- (a) if the property is let from the lessor ;
- (b) if the property is sublet, from the superior lessor ;
- (c) if the property is unlet, from the person in whom the right to let the same vests :

Provided that where the tax is based on the annual letting value, on failure to recover any sum due on account of such tax from the person primarily liable, such portion of the sum may be recovered from the occupier of any part of the property in respect of which it is due, as bears to the whole amount due the same ratio, which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said property, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment-list whichever of those two amounts is the greater :

¹ The word " Crown " was substituted for the words " Secretary of State for India in Council " by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word " Crown " by the Adaptation of Laws Order, 1950.

Provided further that before giving such sanction the Commissioner shall call upon the person against whom the proceedings are to be instituted to show cause why the sanction should not be given.

(2) No court inferior to that of a Magistrate of the first class shall try any offence against this Act.

8. ¹[As soon as practicable after the completion of the audit, but not later than three months thereafter,] the Examiner shall prepare a report on the accounts audited and examined and shall send such report to the local authority concerned and copies thereof to such officers and bodies as ²[the ³[State] Government] may direct. Audit report to be sent to certain officers and bodies as ⁴[State] Government may direct.

9. The Examiner shall include in his report a statement of—

- (a) every payment which appears to him to be contrary to law,
- (b) the amount of any deficiency or loss which appears to have been caused by the gross negligence or misconduct of any person,
- (c) the amount of any sum received which ought to have been but is not brought into account by any person, and
- (d) any material impropriety or irregularity which he may observe in the accounts other than those mentioned in clauses (a), (b) and (c) above.

Audit report what to contain.

10. ⁴[(1) On receipt of a report under section 8, the chairman shall remedy any defects or irregularities which may have been pointed out in the report, and shall place the report, together with a statement of the action taken or proposed to be taken thereon and an explanation in regard thereto before a meeting of the local authority. He shall also, within three months of the receipt of the report, send to the Examiner intimation of his having remedied the defects or irregularities, if any, pointed out in the report, or shall, within the said period, supply the Examiner any further explanation in regard to such defects or irregularities as the local authority may wish to give.] Local authority to remedy defects : Procedure to be followed after report of the Examiner under section 8.

(2) On receipt of such intimation or explanation the Examiner may, in respect of all or any of the matters discussed in his report,

(a) accept the intimation or explanation given by the ⁵* * chairman and withdraw the objection, or

(b) direct that the matter be re-investigated at the next audit or at any earlier date, or

(c) hold that the defects or irregularities pointed out in the report or any of them have not been removed or remedied.

(3) The Examiner shall send a report of his decision to the Commissioner within one month of the date of the receipt by him of the intimation or explanation of the ⁵* * chairman referred to in sub-section (1) or in the event of the ⁴* * chairman failing to give such intimation or explanation, on the expiry of the period of three months mentioned in the said sub-section and shall forward a copy of such report to ⁶[the chairman]. If the Examiner holds that any defects or irregularities have not been removed or remedied he shall state in the report whether, in his opinion, the defects or irregularities can be regularised and if so, by what method ;

¹ These words were substituted, by Bom. 12 of 1949, s. 4.

² The words " the Provincial Government " were substituted for the words " the Government " by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

⁴ This sub-section was substituted for the original by Bom. 12 of 1949, s. 6.

⁵ The words " president or " were deleted, *ibid.*

⁶ These words were substituted for the original, *ibid.*

and if they do not admit of being regularised, whether they can be condoned and, if so, by what authority. He shall also state whether the amounts to which the defects or irregularities relate should, in his opinion, be surcharged or charged :

Provided that in the case of reports on the accounts of school boards and of such local authorities as are specially notified by ¹[the ²[State] Government] in this behalf the report referred to in this sub-section shall be submitted by the Examiner to such officer, being the head of a department, as ¹[the ²[State] Government] may direct. Such officer shall take such action as may be necessary regarding any defects or irregularities falling under clause (c) of sub-section (2) which may have been brought to notice in the report. If he is of the opinion that the amounts to which any such defects or irregularities relate should be surcharged or charged, he shall forward the report ³to the Commissioner together with his recommendation in that behalf.

(4) The local authority concerned shall publish in its next administration report, such portions of the report under section 8 as deal with defects and irregularities falling under clause (c) of sub-section (2), together with the explanation thereof, if any, given under sub-section (1) and the final report of the Examiner thereon under sub-section (3). Such report of defects and irregularities, explanation and final report shall be open to the inspection of the public at the office of the local authority for a period of one month from the date of their receipt and shall also be published in the ³[regional language] of the district in any newspaper circulating in the district selected by the local authority within one month of the receipt by it of the copy of the report sent to the Commissioner under sub-section (3).

(5) If ⁴[the chairman] fails to give the intimation or explanation referred to in sub-section (1) within the period therein mentioned the Commissioner may, at the instance of the Examiner, publish in the ³[regional language] of the district the whole of the Examiner's report under section 8, together with any observations which the Commissioner may make thereon, in any newspaper circulating in the district which the Commissioner may select and the cost of such publication shall be ⁴[forthwith paid by the local authority concerned. If such cost is not so paid, the Commissioner may make an order directing any person, who for the time being has custody of any moneys on behalf of the local authority, as its officer, treasurer, banker or otherwise, to pay the amount of such cost from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order. Every payment made pursuant to such order shall be sufficient discharge to such person from all liability to the local authority in respect of any amount paid by him out of the moneys of the local authority so held by him.]

(6) Nothing in this section or in section 9 shall preclude the Examiner at any time from bringing to the notice of the Commissioner, for such action as the Commissioner may consider necessary, any information which appears to the Examiner to support a presumption of criminal misappropriation or fraud ⁵[for which in his opinion deserves special attention or immediate investigation].

¹ The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

³ These words were substituted for the word " vernacular " by Bom. 12 of 1949, s. 6.

⁴ These words were substituted for the original, *ibid*.

⁵ These words were added, *ibid*.

⁶ The word ' to ' was substituted for the word " of " as the later was a misprint.

Explanation 1.—The equivalent value of the abovementioned iridio-platinum cylinder when weighed in Standard Indian Air against Brass Weights having a specific gravity of 8·143 is 1800·00391 grains, i.e., a brass weight whose value in vacuo is 1800·00394 grains will exactly equilibrate the abovementioned iridio-platinum cylinder in Standard Indian Air.

Explanation 2.—Since the Bombay tola equals 180 grains in vacuo, its absolute value is equivalent to 10000856 of the absolute value of the abovementioned iridio-platinum cylinder. But in practice, all verifications against the abovementioned iridio-platinum cylinder are carried out by weighments in air, and therefore the value 1800·00394 grains is always used for verifying weights.

Explanation 3.—Standard Indian Air is defined as follows :—

Temperature : 85 deg. Fahr.—29·44 deg. Cent. Pressure : A column of mercury at 0 deg. C. 29·8 inches or 756·919 mm. in height. Carbon diox. gas : 0·0006 of the volume of air. Vapour tension : 0·75 inches = 19·05 mm. Latitude at Calcutta 22° 35' 6"·6". Height above M. S. L. = 22·6 feet. 1 litre of Standard Indian Air at Calcutta weighs 1·14917 grm.

Dry measures—

The Bombay seer.

The sub-multiples $\frac{1}{2}$, $\frac{1}{4}$ and $\frac{1}{8}$ seer.

The Bombay Chatak = $\frac{1}{16}$ seer.

The Adpao = $\frac{1}{2}$ seer.

The Adholi = 2 seers.

The Bombay payali of 4 seers.

The Bombay Maund of 16 payalis.

The Bombay Map of 2 maunds.

Liquid measure—

The Bombay seer.

The sub-multiples $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{8}$ and $\frac{1}{16}$ seer.

The multiples 2, 4 and 8 seers.

The Imperial gallon.

The Pint = $\frac{1}{8}$ gallon.

Dry and Liquid measures—Explanations—

Explanation 1.—The unit of capacity called the Bombay seer is equivalent to the volume occupied by 80 tolas of air-free distilled water weighed in Standard Indian Air against brass weights having a specific gravity of 8·143.

Explanation 2.—The unit of capacity called the Imperial gallon contains ten British Standard pounds of water at 62° F. being in volume 277·274 cub. in., which contains each 252·724 grains of water in a vacuum at 62° or 252·458 grains of water weighed with the brass weights in air of 62° with the barometer at 30 in.

Length—

The Yard—

The Inch = $\frac{1}{36}$ th yard, and

The Foot = $\frac{1}{3}$ rd yard.

The Furlong of 220 yards.

The Mile of 1,760 yards.

The yard is that unit of length which is exactly equal to the certified yard kept in the custody of the Mint Master, Bombay.

Area and volume—

The Square Yard, Square Foot and Square Inch.

The Cubic Yard, Cubic Foot and Cubic Inch and sub-multiples of a Cubic Inch.

The anna of $\frac{1}{16}$ of the guntha.

The Guntha of 121 square yards and the acre of 4,840 square yards for land measurement.

The Square of 100 square feet.

The Brass of 100 cubic feet.

THE SECOND SCHEDULE.

(See section 47.)

PART I.

Enactments amended.

No. and year of Act.	Title.	Amendments.
<i>Acts of the Governor of Bombay in Council.</i>		
III of 1901 ...	The Bombay District Municipal Act, 1901.	For section 143 the following section shall be substituted, namely :— " 143. The president, vice-president, or any councillor or officer authorized by the Powers of inspection of municipality in this behalf may weights and measures etc. at all reasonable times enter into any place [(other than a place prescribed by rules made under the Bombay Weights and Measures Act, 1932)] where weights or measures or weighing or measuring instruments are used or kept for purposes of trade and inspect such weights or measures or weighing or measuring instruments."
VI of 1923 ...	The Bombay Local Boards Act, 1923.	After section 61A the following section shall be inserted namely :— [See section 61B of Bom. 6 of 1923,].
XVIII of 1925 ...	The Bombay Municipal Boroughs Act, 1925.	For section 177 the following section shall be substituted namely :— [See section 177 of Bom. 18 of 1925,].
*XVII of 1933 ...	The City of Karachi Municipal Act, 1933.	In section 165 after the word "place" the words, figures and brackets "(other than a place prescribed by Government by rules made under the Bombay Weights and Measures Act, 1932)" shall be inserted.

¹ These words, figures and brackets were inserted by Bom. 9 of 1935, s. 6 (1).

² The entry was added by Bom. 9 of 1935, s. 6 (2).

BOMBAY ACT No. VI OF 1933.¹

[THE BOMBAY VILLAGE PANCHAYATS ACT, 1933.]

[12th June 1933]

Amended by Bom. 34 of 1935.

„ „ „ 24 of 1936.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom. 18 of 1939.

„ „ „ 2 of 1945.*

„ „ „ 24 of 1946.

„ „ „ 60 of 1947.

„ „ „ 4 of 1949.

„ „ „ 45 of 1949.

„ „ „ 8 of 1950.

„ „ „ 17 of 1950.†

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 31 of 1950.

„ „ „ 10 of 1951.

„ „ „ 23 of 1951.

„ „ „ 39 of 1951.

„ „ „ 14 of 1952.

„ „ „ 9 of 1953.

„ „ „ 19 of 1953.

„ „ „ 7 of 1954.

„ „ „ 20 of 1954.

„ „ „ 67 of 1954.

An Act to amend and consolidate the law relating to the constitution of Village Panchayats.

WHEREAS it is expedient to amend and consolidate the law relating to the constitution of village panchayats, with a view to fostering their growth and of increasing their utility in the further development of local self-Government in rural areas and in the administration of civil and criminal justice; and whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act and of the Governor required under section 80C of the said Act have been obtained for the passing of this Act; It is hereby enacted as follows :—

§ & 6
Geo.
V,
c. 61.

CHAPTER I.

PRELIMINARY.

1. This Act may be called the Bombay Village Panchayats Act, 1933. Short title.
2. It extends to the whole of the Presidency of Bombay except ²[Greater Extent. Bombay.]

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1932, Pt. V, pp. 200-211; for Report of the Select Committee, see *ibid.*, 1933, Pt. V, pp. 1-14; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1932, Vol. XXXV, 1933, Vol. XXXVII.

² These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9, read with Bom. 8 of 1950.

* This Act was re-enacted with modifications by Bom. 60 of 1947, s. 2.

† Section 8 of Bom. 17 of 1950 reads as follows :—

"8. *Saving*.—Nothing in this Act shall affect the right of any Councillor or member elected to fill the seats reserved for Muslims or Muhammadans, Anglo-Indians or Indian Christians to continue as a Councillor or member of a municipality, local board or village panchayat, as the case may be, during the term of the office for which he was validly elected before this Act came into force."

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context—

¹[(1) "Scheduled Tribes" means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed to be Scheduled Tribes in relation to the State of Bombay under article 342 of the Constitution of India].

²[(1A) "by-laws" means by-laws made by the district local board under section 109 ;

(2) "case" means, with reference to any judicial proceedings, a criminal proceeding in respect of any offence triable by a ³[nyaya panchayat] ;

(3) "chairman" means the chairman of a ²[nyaya panchayat] appointed under ⁴[section 37A] ;

(4) "district local board," used with reference to any local area, means Bom. a district local board established under the Bombay Local Boards Act, 1923, for ^{VI of} the district in which such local area is situated ; 1923.

⁵[(5) "Scheduled Castes" means such castes or tribes or parts of or groups within such castes, races or tribes as are deemed to be Scheduled Castes in relation to the State of Bombay under article 341 of the Constitution of India and until the notification in relation to the State of Bombay is issued under that article means Scheduled Castes as defined in the Government of India (Scheduled Castes) Order, 1936.] ;

(6) "offence" means any act or omission made punishable by any law for the time being in force ;

(7) "panchayat" means a panchayat established under this Act ;

(8) "prescribed" means prescribed by rules ;

(9) "revenue village" means any local area which is recognised as a village in the revenue accounts ;

(10) "rules" means rules made by ⁶[the ⁷[State] Government] under section 108 ;

(11) "sarpanch" means a sarpanch elected under section 14 ;

(12) "school-board" means a school-board constituted under ⁸[section 4] of the Bombay Primary Education Act, ⁹[1947] ;

(13) "suit" means civil suit triable by a ³[nyaya panchayat] under this Act ; Bom. LXI of 1947.

(14) "tax" means a tax, cess, rate, or other impost leviable under this Act ¹⁰[but does not include a fee] ;

(15) the expression "the term of a panchayat" means the period for which the elected members thereof shall hold office under section 11 ;

(16) "village" means any local area declared to be a village under section 4 ;

(17) "³[nyaya panchayat]" means a ²[nyaya panchayat] constituted under ¹¹* * * * section 37 for the purpose of the trial of suits and cases.

¹ This clause was substituted for the original by Bom. 17 of 1950, s. 7 (1) (a).

² This clause was re-numbered as clause (1A) by Bom. 18 of 1939, s. 2 (ii).

³ These words were substituted for the words "village bench" or "bench" by Bom. 60 of 1947, s. 25.

⁴ The word, figures and letter "section 37A" were substituted for the words, brackets and figures "sub-section (4) of section 37" by Bom. 18 of 1939, s. 2 (iii).

⁵ Clause (5) was substituted for the original by Bom. 17 of 1950, s. 7.

⁶ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order, n^o Council.

⁷ The word "State" was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁸ This word and figure were substituted for the word and figure "section 3" by Bom. 45 of 1949, section 2.

⁹ These figures were substituted for the figures "1923", *ibid*.

¹⁰ These words were added by Bom. 31 of 1950, s. 2.

¹¹ The words, brackets and figure "sub-section (1) of" were deleted by Bom. 18 of 1939, s. 2 (v).

¹[Provided that when no meeting for the election of a sarpanch has been called by the retiring sarpanch on the date fixed under sub-section (1) of section 12 or if a meeting called by him for this purpose on the afore-said date has not been attended by him, the president of the district local board shall proceed to convene a meeting of the panchayat in the manner described in sub-section (1) and a new sarpanch shall be elected accordingly.]

If the president of the district local board fails to convene such meeting within a period of 15 days from the date fixed under sub-section (1) of section 12, the Collector himself shall convene such meeting. The president of the district local board or the Collector, as the case may be, shall nominate one of the members to preside at the meeting so convened. If the person so nominated fails to preside at the meeting the members present shall elect one of them to provide.]

²[(3) In the event of a dispute arising as to the validity of the election of a sarpanch under sub-section (1) or sub-section (2), ³[or of the election of a deputy sarpanch], the dispute shall be referred to the Collector for decision. The decision of the Collector shall be final and no suit or other proceeding shall lie in any court in respect of any such decision.]

18. The deputy sarpanch may resign his office by giving notice in writing to the sarpanch. Resignation
by sarpanch
or deputy
sarpanch.

The sarpanch may resign his office by giving notice in writing to the president of the district local board.

Such resignations shall take effect from the date of their acceptance.

19. The time and place of sitting and the procedure at a meeting of the panchayat shall be in accordance with by-laws. Time and
place of
sitting of
panchayat
and proce-
dure at
meetings.

20. The executive power for the purpose of carrying out the provisions of this Act and the resolutions passed by a panchayat vests in the sarpanch who shall be directly responsible for the due fulfilment of the duties imposed upon the panchayat by or under this Act. In the absence of the sarpanch, the powers and duties of the sarpanch shall, save as may be otherwise prescribed by by-laws be exercised and performed by the deputy sarpanch. Executive of
panchayat.

21. The district local board may, after giving due notice to the panchayat and after such enquiry as it thinks fit, remove from office with the previous sanction of the Collector any member or any sarpanch or deputy sarpanch who [has been guilty of misconduct, or neglect of or incapacity to perform his duty] or is persistently remiss in the discharge of his duties. A sarpanch or deputy sarpanch so removed may, at the discretion of the district local board, and subject to the like sanction also be removed from the panchayat. Removal
from office.

* * * * *

¹ This proviso was substituted for the original by Bom. 18 of 1939, s. 14 (iii).

² This sub-section was added by Bom. 60 of 1947, s. 6.

³ These words were inserted by Bom. 7 of 1954, s. 5 (1).

⁴ These words were substituted for the words "in its opinion is unfit to be member or sarpanch or deputy sarpanch as the case may be" by Bom. 18 of 1939, s. 15 (i).

⁵ The words "unless he is an *ex-officio* member of the panchayat" were deleted, *ibid.*, s. 15 (ii).

⁶ The words "The panchayat may, with the previous sanction of the president of the district local board, and after due notice and inquiry remove the secretary of a panchayat from office for similar reasons" were deleted, *ibid.*, s. 15 (iii).

Leave of
absence.

22. (1) Any ^{1*}member of a panchayat who, during his term of office,—

(a) is absent for more than four consecutive months from the village unless leave not exceeding six months, so to absent himself, has been granted by the panchayat; or

(b) absents himself for six consecutive months from the meetings of the panchayat without the leave of the said panchayat, shall cease to be a member and his office shall become vacant.

(2) Any dispute as to whether a vacancy has or has not occurred under this section shall be referred for decision to the Collector whose decision shall be final.

Eligibility of
certain mem-
bers for re-
election.
Filling up
of vacancies.

²[22A. A member of a panchayat whose appointment has been declared invalid under section 9A or whose office has become vacant under section 22 shall, if his disqualification or disability has ceased, be eligible for re-election.]

23. (1) Any vacancy of which notice shall have been given to the Collector in the prescribed manner due to the disablement, death, resignation, disqualification absence without leave or removal of a sarpanch or a deputy sarpanch, or ³[a] member, shall be filled, by the election of a sarpanch or deputy sarpanch or ⁴* * * a member, who shall hold office so long only as the sarpanch, deputy sarpanch or member, in whose place he has been elected, ⁵* * * would have held office if the vacancy had not occurred :

⁶[Provided that if no member is so elected within four weeks from the date on which notice of the vacancy is given to the Collector, the standing committee of the district local board, shall, within the next ⁷[eight] weeks, appoint a person who would have been qualified to be elected. If the standing committee of the district local board fails to make any such appointment within the time specified, the Collector shall make such appointment and the person so appointed shall be deemed to have been duly elected under this sub-section.]

⁸[Provided further that notwithstanding anything contained in section 6, if the vacancy be of an elected member and occurs within four months preceding the date on which the term of office of the members of the panchayat expires under section 11, the vacancy shall not be filled.]

(2) The meeting for the election of a sarpanch under sub-section (1) shall be convened by the president of the district local board in the manner described in sub-section (1) of section 17.

Vacancy not
to affect
proceedings
of panchayat.

24. During any vacancy in the panchayat, the continuing members may act as if no vacancy had occurred.

Temporary
provision
pending
establi-
ment of
panchayats
under this
Act.

25. Notwithstanding anything contained in this Act, the village fund shall, until such date as ⁹[the ¹⁰[State] Government] may notify in the ¹¹[Official Gazette], be administered, so far as may be, under the provisions of this Act by the panchayats constituted under the Bombay Village Panchayats Act, 1920, which panchayats shall be deemed to have been established under this Act.

Bom.
IX of
1920.

¹ The words "elected or nominated" were deleted by Bom. 18 of 1939, s. 16.

² Section 22-A was inserted by Bom. 14 of 1952, s. 2.

³ The letter "a" was substituted for the words "an elected or nominated" by Bom. 18 of 1939, s. 17 (i).

⁴ The words "the election or nomination of" were deleted, *ibid.*, s. 17 (ii).

⁵ The words "or nominated" were deleted, *ibid.*, s. 17 (iii).

⁶ This proviso was added by Bom. 60 of 1947, s. 7.

⁷ This word was substituted for the word "four" by Bom. 31 of 1950, s. 5.

⁸ This further proviso was added by Bom. 4 of 1949, s. 3.

⁹ The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

¹⁰ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

¹¹ The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.

CHAPTER III.

ADMINISTRATIVE POWERS AND DUTIES.

26. (1) It shall be the duty of a panchayat, so far as the village funds at its disposal will allow subject to the general control of the district local board, to make reasonable provision within the village in regard to the following matters, namely :—

- (a) the supply of water for domestic use ;
- (b) the cleansing of the public roads, drains, bunds, tanks and wells (other than tanks and wells used for irrigation) and other public places or works ;
- ¹[(ba) the removing of obstructions and projections in public streets or places and in sites not being private property, which are open to the enjoyment of the public, whether such sites are vested in the panchayat or belong to Government ;]
- (c) the construction, maintenance and repair of public roads, drains, bunds and bridges ;

Provided that, if the roads, drains, bunds and bridges vest in any other public authority, such works shall not be undertaken without the consent of such authority ;

²[(d) sanitation, conservancy, the prevention and abatement of nuisances ; and the disposal of carcasses of dead animals ;]

(e) the preservation and improvement of the public health ;

(f) the maintenance and regulation of the use of public buildings, grazing lands, forest lands (including lands assigned under section 28 of the ³Indian Forest Act, 1927), tanks and wells (other than tanks and wells used for irrigation), vesting in or under the control of the panchayat ;

(g) the lighting of the village ;

(h) control of fairs, bazars, slaughter-houses and cart-stands ; and

(i) provision, ⁴[maintenance and regulation] of burning and burial grounds.

* * * * *

⁵[(2)] A panchayat may, with the previous sanction of the district local board, also make provision for carrying out outside the village any work of the nature specified in ⁷[sub-section (1)].

⁶[26A. (1) It shall be competent to a panchayat, so far as the village fund at its disposal will allow and subject to the general control of the district local board, to make reasonable provision within the village in regard to the following matters, namely :—

- (a) crop experiments ;
- (b) construction and maintenance of slaughter-houses ;
- (c) relief of the destitute and the sick ;
- (d) improvement of agriculture ;
- (e) co-operative farming ;
- (f) improvement of cattle and their breeding and the general care of the live-stock ;
- (g) establishment of granaries ;
- (h) village libraries and reading-rooms ;

¹ Clause (ba) was inserted by Bom. 31 of 1950, s. 6.

² Clause (d) was substituted for the original by Bom. 7 of 1954, s. 6.

³ See Central Acts.

⁴ These words were substituted for the words " and maintenance " by Bom. 60 of 1947, s. 8.

⁵ The original sub-section (2) was deleted, *ibid.*

⁶ Sub-section (2) was renumbered as sub-section (2), *ibid.*

⁷ This was substituted for " sub-sections (1) and (2) ", *ibid.*

⁸ This section was inserted, *ibid.*, s. 9.

- (i) planting of trees along roads in market places and other public places and their maintenance and preservation ;
- (j) lay-out and maintenance of play-grounds for village children and of public gardens ;
- (k) promotion, improvement and encouragement of cottage industries ;
- (l) destruction of stray and ownerless dogs ;
- (m) construction and maintenance of dharamshalas ;
- (n) management and control of ghats which are not managed by any other authority ;
- (o) assistance to the residents when any natural calamity occurs ;
- (p) disposal of unclaimed corpses ^{1*} * * and unclaimed cattle ;
- (q) construction and maintenance of public latrines ;
- (r) establishment and maintenance of markets ;
- (s) watch and ward of the village and the crops therein :

Provided that the cost of watch and ward under paragraph (s) shall be levied and recovered by the panchayat from such persons in the village and in such manner as may be prescribed ;

(i) construction and maintenance of houses for the conservancy staff of the panchayat.

(2) A panchayat may also make provision for carrying out within the village any other work or measure which is likely to promote the health, safety, education, comfort, convenience or social or economic well-being of the inhabitants of the village.]

²[(3) A panchayat may by a resolution passed at its meeting and supported by two-thirds of the whole number of its members make provision for any public reception, ceremony, entertainment or exhibition within the village :

Provided that the panchayat shall not incur expenditure exceeding Rs. 25 on any such public reception, ceremony, entertainment or exhibition, except with the previous sanction of the Collector.]

Powers of district local board to transfer maintenance of institutions and execution of other works.

27. The district local board may, at any time, with the consent of the panchayat, transfer to such panchayat the management of any institution or the execution of any work not provided for in section 26, and it shall thereupon be lawful for such panchayat to undertake the management of such institution or the execution of such work :

Provided that in every such case the funds necessary for such management or execution shall be placed at the disposal of the panchayat by the district local board.

Other duties.

28. (1) The panchayat shall,—

- * * * * *
- (ii) subject to by-laws to be made by the district local board in this behalf,—
 - (a) supervise the labour employed by local boards on works within the village ;
 - (b) supervise repairs to dharamshalas ;
 - (c) manage and maintain cattle pounds ; and
 - (d) execute such works as are entrusted to it by the district local board ; and

The words " and carcases " were deleted by Bom. 7 of 1954, s. 7.

Sub-section (c) was added by Bom. 31 of 1950, s. 7.

Clause (i) was deleted by Bom. 45 of 1949, section 4 (a).

(iii) subject to such conditions as ¹[the ²[State] Government] may impose and with the consent of the panchayat concerned, perform such other administrative duties including the distribution of irrigation water as may be assigned to it by ¹[the ²[State] Government] by notification in the ³[Official Gazette], after consultation with the district local board.

(3) A panchayat shall not be bound ^{5*} to perform the duties specified in clause (ii) of sub-section (1) unless sufficient funds have been placed at the disposal of the panchayat by the district local board.

⁶[28A. (1) A panchayat may, from time to time, concur with any other panchayat or with any municipality, district local board or cantonment authority or committee appointed for a notified area or with more than one such panchayat, municipality, district local board, authority or committee—

Joint Committees of two or more local bodies.

(a) in appointing out of their respective bodies a joint committee for any purpose in which they are jointly interested and in appointing a chairman of such committee ;

(b) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies ; and

(c) in framing and modifying rules for regulating the proceedings of any such committee and the conduct of correspondence, relating to the purpose for which the committee is appointed.

(2) A panchayat may from time to time enter, subject to the sanction of the ²[State] Government, into an agreement with any other panchayat, or with any municipality, district local board, cantonment authority or committee appointed for a notified area or with a combination of any such bodies, for the levy of octroi duty whereby the octroi duties respectively leviable by the bodies so contracting may be levied together instead of separately within the limits of the area subject to the control of the said bodies.

(3) Where a panchayat has requested the concurrence of any other local authority under the provisions of sub-section (1) or (2) in respect of any matter and such other local authority has refused to concur, the Commissioner may pass such orders as he may deem fit requiring the concurrence of such other local authority, not being a cantonment authority, in the matter aforesaid and such other local authority shall comply with such orders.

(4) If any difference of opinion arises between local bodies acting under this section, the decision thereupon of the ²[State] Government or of such officer as it appoints in this behalf shall be final :

¹ The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

³ The words " Official Gazette " were substituted for the words " Bombay Government Gazette " by the Adaptation of Indian Laws Order in Council.

⁴ Sub-section (2) was deleted by Bom. 45 of 1949, s. 4 (b).

⁵ The words beginning with " to carry out " and ending with " as the case may be, or " were deleted, *ibid.*, s. 4 (c).

⁶ Section 28A was inserted by Bom. 4 of 1949, s. 4.

Provided that, where one of the local bodies is a cantonment authority, the decision of the ¹[State] Government, or of the officer, shall be subject to the concurrence of the Central Government.]

Government may vest certain lands in panchayat. ²[28B. For the purposes of this Chapter, the ¹[State] Government may, subject to such conditions and restrictions as it may think fit to impose, vest in a panchayat open sites, waste, vacant or grazing lands or public roads and streets, wells, river-beds, tanks, trees or any other property in the village vesting in the ³[Government].]

Obstructions and encroachments upon public streets and open sites. ⁴[28C. (1) Whoever within the limits of the village,
(a) shall have built or set up, or shall build or set up, any wall, or any fence, rail, post, stall, verandah, platform, plinth, step or any projecting structure or thing, or other encroachment or obstruction, or

(b) shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing,

in any public street or place or in or over or upon any open drain, gutter, sewer or aqueduct in such street or place shall, on conviction, be punished with fine which may extend to twenty rupees and with further fine which may extend to one rupee, for every day on which such projection, encroachment, obstruction or deposit continues after the date of first conviction for such offence.

(2) The panchayat shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open site not being private property, whether such site is vested in the panchayat or not, provided that if the site be vested in Government the permission of the Collector or any officer authorised by him in this behalf shall have first been obtained, the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter IX.

(3) Whoever, not being duly authorised in that behalf, removes earth, sand or other material from, or makes any encroachment in or upon any open site which is not private property shall, on conviction, be punished with fine which may extend to forty rupees, and, in the case of an encroachment, with further fine which may extend to two rupees for every day on which the encroachment continues after the date of first conviction.

(4) Nothing contained in this section shall prevent the panchayat from allowing any temporary occupation of or erection in any public street on occasions of festivals and ceremonies, or the piling of fuel in by-streets and sites for not more than four days, and in such manner as not to inconvenience the public or any individual.]

¹ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

² This section was inserted by Bom. 60 of 1947, s. 10 and was renumbered as 28B by Bom. 4 of 1949, s. 4.

³ This word was substituted for the word " Crown " by the Adaptation of Laws Order, 1950.

⁴ Section 28C was inserted by Bom. 31 of 1950, s. 8.

CHAPTER IV.

INCORPORATION OF VILLAGE PANCHAYAT ; ITS PROPERTY AND FUND.

29. Every panchayat shall be a body corporate by the name of "the village panchayat of _____," and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall be competent to acquire and hold property, both moveable and immovable whether within or without the limits of the village over which it has authority, to lease, sell or otherwise transfer moveable or immovable property which may become vested in or be acquired by it, and to contract and do all other things necessary for the purposes of this Act :

Provided that no lease of immovable property (other than property referred to in sub-section (1) of section 30) for a term exceeding ¹[three] years and no sale or other transfer of any such property shall be valid unless such lease, sale or other transfer shall have been made with the previous sanction of the Collector.

30. (1) It shall be competent to a local board from time to time to direct that any property vesting in such local board shall vest in panchayat ²[and on such direction being issued, the property shall vest in the panchayat notwithstanding anything contained in the Transfer of Property Act, 1882, or the Indian Registration Act, 1908] :

³[Provided that no lease, sale or other transfer of any such immovable property by the panchayat shall be valid without the previous sanction of the Commissioner and of such local board.]

(2) Every work constructed by a panchayat out of the village fund shall vest in such panchayat.

31. (1) There shall be in each village a fund, which shall be called the village fund.

(2) The following shall form part of, or be paid into, the village fund, namely :—

(a) the amount which may be allotted to the village fund by ⁴[the ⁵[State] Government] under the provisions of section 191 of the Bombay District Municipal Act, 1901 ;

(b) the proceeds of any tax or fee imposed under section 89 ;

(c) all ⁶* * * sums ordered to be paid as compensation realised under sections 45 and 46 ;

(d) all other sums ordered by a court to be placed to the credit of the village fund ;

(e) the sale proceeds, except in so far as any person entitled to the whole or a portion thereof, of all dust, dirt, dung or refuse (including the dead bodies of animals) collected by the village servants ;

(f) sums contributed to the village fund by ⁴[the ⁵[State] Government] or a district local board ;

(g) all sums received by way of loans from ⁴[the ⁵[State] Government] or the district local board or by way of gift ;

7* * * * *

¹ The word " three " was substituted for the word " seven " by Bom. 18 of 1939, s. 18.

² This portion was inserted by Bom. 60 of 1947, s. 11.

³ This proviso was substituted for the original, *ibid*.

⁴ The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

⁵ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

⁶ The words " fines and " were omitted by the Adaptation of Indian Laws Order in Council.

⁷ Clause (h) was omitted, *ibid*.

Section

323

Voluntarily causing hurt

Assault or use of criminal force otherwise than on grave and sudden provocation

352

Assault or use of criminal force on grave and sudden provocation

358

Theft, where the value of the property stolen does not exceed Rs. 20

379

Mischief when the loss or damage caused does not exceed Rs. 20 in value

426

Criminal trespass

447

House trespass

448

Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property ..

461

Intentional insult, with intent to provoke a breach of the peace

504

I of
1871.

(b) Under the Cattle-trespass Act, 1871—

Forcibly opposing the seizure of cattle or rescuing the same.

24

XI of
1890.¹[(c) Under the Prevention of Cruelty to Animals Act, 1890—

Practising phooka

4

Killing animals with unnecessary cruelty

5

Being in possession of the skin of a goat Killed with unnecessary cruelty

5A

Employing animals unfit for labour

6

Baiting or inciting animals to fight

6C

Permitting diseased animals to go at large or to die in public places

7

Bom.
XXV
of
1949.
Bom.
I of
1892.²[(d) Under the Bombay Prohibition Act, 1949—

Being drunk and incapable of taking care of himself ..

85(1)]

(e) Under the Bombay District Vaccination Act, 1892—

Inoculating, entering a vaccination area after inoculation, and bringing person inoculated into area ..

22

Disobedience of order of the Magistrate for the vaccination of any unprotected child under 14 years ..

23

Not producing child

24

Neglecting to take child to be vaccinated

25

Bom.
LXI of
1947.(f) Under the Bombay Primary Education Act, ³[1947]—⁴[Failure to cause child to attend school

35]

Employing child liable for compulsory education ..

³[36]Bom.
V of
1925.

(g) Under the Bombay Prevention of Adulteration Act, 1925—

Sale or manufacture of food not of the proper nature, substance or quality

4

⁵[(h) Under this Act,—

(i) Obstructions and encroachments upon public streets and open sites

28C(1) and (3).

(ii) Contravention of a by-law

109] :

¹ Clauses (c) to (h) were substituted for clause (c) by Bom. 60 of 1947, s. 15.² This clause was substituted for the original by Bom. 39 of 1951, s. 3, Second Schedule.³ The figures " 1947 " and " 36 " were substituted for the figures " 1923 " and " 22 " respectively by Bom. 45 of 1949, s. 5.⁴ This entry was inserted by Bom. 67 of 1954, s. 6.⁵ This clause was substituted for the original, *ibid.*, s. 9 (2).

Provided that no offence of theft shall be cognizable by any ¹[nyaya panchayat], unless an accused person has been either apprehended or recognised and named.

Certain persons accused of theft not to be tried by ¹[nyaya panchayat].

42. No ¹[nyaya panchayat] shall take cognizance of any offence of theft punishable under section 379 of the Indian Penal Code in which the accused—

XLV
of
1860.
XLV
of
1860.

(a) has been previously convicted of an offence punishable, under Chapter XLV or Chapter XVII of the Indian Penal Code, with imprisonment of either description for a term of three years or upwards;

(b) has been previously fined for theft by any ²[nyaya panchayat];

(c) is a registered member of a criminal tribe under section 2 of the ³Criminal Tribes Act, 1924; or

VI of
1924.

(d) has been bound over to be of good behaviour in proceedings instituted under section 109 or, section 110 of the Code of Criminal Procedure, 1898.

V of
1898.

Offences by or against public servant not cognizable by ¹[nyaya panchayat].

43. No ¹[nyaya panchayat] shall take cognizance of any offence specified in section 41 in which either the complainant or the accused is a public servant serving in the district in which the village for which the panchayat is established is situated:

Provided, however, that a ¹[nyaya panchayat] shall not be debarred from taking cognizance of an offence ⁴[punishable under section 35 or 36 of the Bombay Primary Education Act, 1947, or under] sub-section (1) or (3) of section 28C or of contravention of a by-law under sub-section (3) of section 109], notwithstanding that the complainant in the case is a public servant.

LXI
of
1947.

Conviction by a ¹[nyaya panchayat] not previous conviction.

44. A conviction by a ¹[nyaya panchayat] under this Act shall not be deemed to be a previous conviction for the purposes of section 75 of the Indian Penal Code.

XLV
of
1860.

Maximum penalties.

45. (1) The following are the maximum penalties which may be inflicted by a ¹[nyaya panchayat] for the offences mentioned in section 41:—

(a) Under the Indian Penal Code—

Fine not exceeding Rs. ⁶[20] or double the amount of the loss or damage caused up to a limit of Rs. ⁶[40].

(b) Under section 24 of the Cattle Trespass Act, 1871—

Fine not exceeding Rs. ⁶[10].^{7*}

8* * * *

⁹[(b1) Under section 35 of the Bombay Primary Education Act, 1947—

Bom.
LXI of
1947.

Fine not exceeding Rs. 2 and in case the failure to compel the child to attend an approved school continues after the conviction, with fine of annas 8 for every day on which the failure continues or is repeated.]

¹⁰[(bb)] Under section ¹¹[36] of the Bombay Primary Education Act, ¹¹[1947], or under the provisions of any other Act mentioned in section 41—

Bom.
LXI of
1947.

Fine not exceeding Rs. 20; ^{12*}

¹ These words were substituted for the words "village bench" or "Bench" by Bom. 60 of 1947, s. 25.

² These words were substituted for the word "panchayat", *ibid.*, s. 16.

³ The Criminal Tribes Act, 1924, has ceased to extend to the State of Bombay with effect from the 13th August 1949 (*vide* G. N., H. D., No. 9642/5, dated the 5th August 1949). See therefore the Bombay Habitual Offenders Restriction Act, 1947 (Bom. 51 of 1947).

⁴ This portion was substituted for the words "for a breach of a by law" by Bom. 31 of 1950, s. 10.

⁵ These words and figures were substituted for the words "punishable under" by Bom. 67 of 1954, s. 7.

⁶ These figures were substituted for the original by Bom. 60 of 1947, s. 17.

⁷ The word "and" was deleted, *ibid.*

⁸ The original clause (bb) was deleted by Bom. 31 of 1950, s. 11.

⁹ This clause was inserted by Bom. 67 of 1954, s. 8.

¹⁰ The original clause (bc) was re-lettered as clause (bb), by Bom. 31 of 1950, s. 11.

¹¹ The figures "36" and "1947" were substituted for the figures "22" and "1923" respectively by Bom. 45 of 1949, s. 6.

¹² The word "and" was deleted by Bom. 31 of 1950, s. 11.

¹[58A. A ²[*nyaya panchayat*] newly constituted on the expiry of the term of office of the members of another ³[*nyaya panchayat*] shall hear and dispose of all suits, cases and proceedings pending before the latter at the date of the expiry of such term

Pending cases before ⁴[*nyaya panchayat*] when term of office has expired.

Provided that the hearing of such suits, cases and proceedings shall commence anew before the ²[*nyaya panchayat*] newly constituted, as if such suits, cases and proceedings were instituted before it].

CHAPTER VII.

PROCEDURE OF PANCHAYATS IN SUITS AND CASES.

59. Any person who wishes to institute a suit or case under this Act before a ²[*nyaya panchayat*] shall make an application orally or in writing to the Chairman or during his absence from the village to such other member of the ²[*nyaya panchayat*] as the Chairman may appoint in this behalf and shall at the same time pay the prescribed fees.

⁵[Provided that an Administrative Officer appointed under the Bombay Primary Education Act, 1947, or any other officer authorised by him in this behalf wishing to institute a case of the nature specified in clause (f) of section 41 may send such application by registered post.]

60. The substance of the application shall be recorded without delay in the prescribed register ⁶[and, except where an application has been sent by registered post, the signature or thumb impression of the applicant] shall be taken on the register and the register shall be signed by the Chairman or, in his absence, by any member authorised under section 59.

61. Every suit or case instituted in accordance with the provisions of section 59 shall be brought before the ²[*nyaya panchayat*] at its next sitting and the plaintiff or complainant, as the case may be, shall, at the time of making the application, be informed of the time and place fixed for such sitting and directed to attend at that time and place.

62. The ²[*nyaya panchayat*] after hearing the application, shall cause a written summons in the prescribed form to be served on the defendant or accused, as the case may be, requiring him to attend and produce his evidence at such time and place as may be stated in the summons and shall, at the same time, direct the plaintiff or complainant to attend and produce his evidence at such time and place :

Provided that the ²[*nyaya panchayat*] may, for reasons to be recorded, after hearing the application and examining the plaintiff or complainant, refuse to issue a summons and dismiss the suit or complaint.

63. Such summons shall ordinarily be caused to be served by the patel or village headman: Where there are two patels in a village, one of whom is a revenue patel and the other a police patel, the summons shall ordinarily be served by the revenue patel if it relates to a suit and by police patel if it relates to a case :

Provided, however, that a ²[*nyaya panchayat*] may cause the summons to be served through any other person.

¹ Section 58A was inserted by Bom. 18 of 1939, s. 27.

² These words were substituted for the words "village bench" or "bench" by Bom. 60 of 1947, s. 25.

³ The words "or a *nyaya panchayat* newly constituted on the dissolution of another *nyaya panchayat* under section 106", were deleted by Bom. 14 of 1952, s. 3.

⁴ The words "or at the date of such dissolution" were deleted, *ibid.*

⁵ This proviso was added by Bom. 67 of 1954, s. 9.

⁶ This portion was substituted for the words "and the signature or thumb impression of the applicant" *ibid.*, s. 10.

Mode of
service of
summons.

64. The summons shall be in duplicate, signed by the presiding member of the ¹[nyaya panchayat] and shall, as far as possible, be served personally on the defendant or accused, as the case may be, whose signature or thumb-impression shall be taken in token of service. If the defendant or accused cannot be found and the ¹[nyaya panchayat] is satisfied that he is evading service or if he refuses to take the summons, the ¹[nyaya panchayat] may order service to be made on an adult male member of his family residing with him, or by affixing a copy thereof upon some conspicuous part of the house in which he ordinarily resides.

Mode of
service
outside
village.

65. If a defendant or accused is, at the time of the issue of the summons, outside the village of the panchayat, the summons may be forwarded by the ¹[nyaya panchayat] to the Collector or to any officer not below the rank of a mamlatdar, who may be authorised by the Collector in this behalf, and the Collector or such officer shall cause the summons to be served as if it were summons from his own court.

Exemption
of certain
persons from
appearance
in suits.

66. (1) Women who, according to the customs and manners of the country ought not to be compelled to appear in public, shall be exempt from personal appearance before a ¹[nyaya panchayat] in any suit.

(2) Persons exempted from personal appearance in any court under section 133 v of the Code of Civil Procedure, 1908, shall also be exempt from personal appearance before a ¹[nyaya panchayat] in any suit.

Issue of
summons to
witnesses.

67. (1) A ¹[nyaya panchayat] may, if it considers the evidence of, or the production of a document by any person necessary in a suit or case, issue a summons to such person to compel him to attend or to produce or cause the production of such document, and such person shall be bound to comply with the directions contained in the summons. Such summons shall be in the form and served in the manner as hereinbefore provided.

(2) A ¹[nyaya panchayat] may refuse to summon a witness or to enforce a summons already issued against a witness where, in its opinion, the attendance of the witness cannot be procured without an amount of delay, expense or inconvenience which in the circumstances, would be unreasonable.

(3) No ¹[nyaya panchayat] shall enforce the attendance of any person living outside the village to give evidence, or to produce a document, unless such sum of money is deposited with the ¹[nyaya panchayat] as appears to the ¹[nyaya panchayat] to be sufficient to defray his reasonable expenses and if in the opinion of the Collector or officer empowered under section 65, as the case may be, the attendance of any such person is not necessary for the proper adjudication of the suit or case, such Collector or officer shall return the summons to the ¹[nyaya panchayat] with his endorsement accordingly.

(4) No ¹[nyaya panchayat] shall compel any person to give evidence or to disclose any communication which such person cannot be permitted to give or compelled to disclose under the provisions of the ²Indian Evidence Act, 1872, or under any other law for the time being in force. 1872.

Pleaders, etc.
excluded
from
appearance.

68. No pleader, vakil, or mukhtyar, and no advocate or attorney of a High Court, shall be permitted to appear on behalf of any party to any suit or case before a ¹[nyaya panchayat] 3* * *

¹ These words were substituted for the words "village bench" or "bench" by Bom. 60 of 1947, s. 25.

² See Central Acts.

³ The words and figures "or in any inquiry under section 87" were omitted by Bom. 18 of 1939, s. 28.

THE BOMBAY LIVE-STOCK IMPROVEMENT ACT, 1933.

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PREAMBLE.

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6. Grant of licences.
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8. Grant of duplicate licence.
9. Duration of licence.
10. Inspection of bulls.
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12. Duty to produce licence.
13. Penalty for keeping a bull in contravention of this Act or rules or without or in contravention of licence.
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18. Officers bound to assist live-stock officers.
19. Cognizance of offences under the Act.
20. Live-stock officer to be public servant.
21. Protection of persons acting in good faith and limitation of suits and prosecutions.
22. Revision.
23. Power of State Government to make rules.
24. Power of State Government to apply the provisions of this Act to buffalo-bulls.
- 24A. Validation of Acts of Director of Animal Husbandry and Veterinary Science.
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[THE BOMBAY LIVE-STOCK IMPROVEMENT ACT, 1933.]

[1st December 1933]

Amended by Bom. 35 of 1950.

50 of 1954.

An Act to provide for the improvement of live-stock.

5 & 6
Geo.
V,
C 61.

WHEREAS it is expedient to provide for the improvement of live-stock in the manner herein provided ; And whereas the previous sanction of the Governor General required under sub-section (3) of section 80A and the previous sanction of the Governor required under section 80C of the Government of India Act, have been obtained for the passing of this Act ; It is hereby enacted as follows :—

1. This Act may be called the Bombay Live-stock Improvement Act, 1933. Short title.

2. (a) Section 1 and this section extend to the whole of the Presidency of Extent.
Bombay.

(b) On a written application made—

(i) by the district local board with the previous concurrence of ²[the officer empowered in this behalf by the State Government], or

(ii) by ³[such officer] with the previous concurrence of the district local board, ⁴[the ⁵[State] Government] may, by notification in the ⁶[*Official Gazette*], direct that the remaining provisions of this Act shall extend to any village in respect of which the application has been made.

(c) Section 1 and this section shall come into force at once and the remaining provisions of this Act shall come into force in any village to which the said provisions shall have been extended under sub section (b) on such date as ⁴[the ⁵[State] Government] may by notification in the ⁶[Official Gazette] appoint.

3. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(1) "Cow" includes a heifer;

(2) 7* * * *

(3) "Licence" means a licence granted under section 6 ;

(4) "Live-stock officer" means an officer or person appointed or invested with powers under section 4 ;

(5) "Prescribed," with its grammatical variations, means prescribed by rules ;

(6) "Rules" means rules made under section 23;

(7) "Village" means a village as defined in the Bombay Land Revenue Code,

Bom. V. of 1879. (8) "A P

(8) "A person is said to keep a bull," if such person owns the bull or has the bull in his possession or custody.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1933, Part V, pp. 1000-1001; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1933, Vol. XXXVIII.

² These words were substituted for the words "the Director of Agriculture" by Bom. 35 of 1950, s. 2.

³ These words were substituted for the words "The Director of Agriculture", *ibid.*

* The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

⁵ This word was substituted for the word "Provincial" by Adaptation of Laws Order, 1950.

⁶ The words "Official Gazette" were substituted for the words, "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.

⁷ Clause (2) was deleted by Bom. 35 of 1950, s. 3.

Live-stock
Officer.

¹[4. The State Government may, by notification in the *Official Gazette*, appoint any officer to be a live-stock officer and assign to such officer such powers and duties under this Act, as it may deem fit.]

Prohibition
for keeping
a bull for
breeding
purposes.

5. No person shall keep a bull which has attained the prescribed age except under and in accordance with the terms, conditions and restrictions of a licence granted under section 6.

Grant of
licences.

6. Every licence for the keeping of a bull shall be granted by a live-stock officer authorised by ²[the ³[State] Government] by general or special order in this behalf in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed :

Provided that no fee shall be charged for the grant of a licence.

Refusal to
grant or
revocation
of licence.

7. (1) Subject to rules, the live-stock officer authorised to grant the licence may refuse to grant or may revoke a licence, if in the opinion of such authority, the bull appears to be—

(a) of defective or inferior conformation and likely to beget defective or inferior progeny ; or

(b) permanently affected with any contagious or infectious disease ; or

(c) permanently affected with any other disease rendering the bull, unsuitable for breeding purposes.

(2) The live stock officer granting a licence may also revoke a licence if in the opinion of such officer there be any breach of any of the terms or conditions of the licence.

(3) No person shall be entitled to any compensation for the revocation of a licence under sub-section (1) or (2).

(4) If a licence is revoked under sub-section (1) or (2), the live-stock officer revoking the licence shall give notice to that effect to the owner or the person stated therein to be the owner of the bull and any such notice given in respect of a licence shall state the grounds for the revocation.

(5) * * * * *

Grant of
duplicate
licence.

8. When the live-stock officer granting the licence is satisfied that a licence granted under section 6 has been lost or destroyed, such officer may, subject to such conditions as may be prescribed, issue to the holder of the licence a duplicate thereof, and hereupon all the provisions of this Act with respect to the licence shall apply to the duplicate as if it were the original licence.

Duration of
licence.

9. A licence granted in respect of a bull shall remain in force until—

(a) the period specified therein expires, or

(b) it is revoked under this Act, or

(c) the bull dies or is castrated in the prescribed manner.

¹ Section 4 was substituted for original by Bom. 35 of 1950, s. 4.

² The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

⁴ Sub-section (5) was deleted by Bom. 35 of 1950, s. 5.

21. (1) No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules.

Protection of persons acting in good faith and limitation of suits and prosecutions.

(2) No suit shall be instituted against ¹[the ²[Government]] and no prosecution or suit shall lie against any live-stock officer in respect of anything done or alleged to have been done, in pursuance of this Act, unless the suit or prosecution has been instituted within four months from the date of the act complained of.

22. ³[The ⁴[State] Government] may call for and examine the record of any order or the proceedings of any live-stock officer for the purpose of satisfying themselves as to the legality and propriety of any order passed and as to the regularity of the proceedings of such officer. If in any case it shall appear to ⁵[the ⁴[State] Government] that any order or proceedings so called for should be modified, annulled or reversed, they may pass such order as they may deem fit.

23. (1) ³[The ⁴[State] Government] may make rules for the purpose of carrying into effect the provisions of this Act.

Power of ⁴[State] Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following purposes, namely :—

(a) under section 4, prescribing the powers and duties to be exercised and performed by a live-stock officer and the assignment of such powers or duties,

(b) under section 5, prescribing the age of a bull after which it shall not be kept without a licence,

(c) under section 6, prescribing the form of, the manner in which, the terms, conditions and restrictions on which, a licence shall be granted, transferred or renewed,

(d) under section 7, prescribing the conditions subject to which a licence may be revoked,

(e) under sections 7 and 11, prescribing the manner in which notice shall be served,

(f) under section 8, prescribing the conditions subject to which a duplicate of a licence may be granted,

(g) under sections 11 and 16, prescribing the manner in which a bull shall be castrated, and the manner in which inquiry regarding the ownership of a bull shall be made, and the costs, charges and expenses for the maintenance and sale of a bull shall be determined,

(h) under section 17, prescribing the manner and form in which a bull shall be marked and the manner in which a live-stock officer shall enter any premises or other place.

(3) Rules made under this section shall be subject to the condition of previous publication in the ⁵[*Official Gazette*].

¹ The words " the Crown " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word " Crown " by the Adaptation of Laws Order, 1950.

³ The words " the Provincial Government " were substituted for the word " Government ", by the Adaptation of Indian Laws Order in Council.

⁴ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

⁵ The words " *Official Gazette* " were substituted for the words " *Bombay Government Gazette* " by the Adaptation of Indian Laws Order in Council.

(4) Rules made under this section shall be laid ⁴[before each of the ²[Houses] of the ³[State] Legislature] at the session ⁴[thereof] next following and shall be liable to be modified or rescinded by a resolution ⁵[in which both the ²[Houses] concur] and such rule shall after notification in the ⁶[Official Gazette] be deemed to have been modified or rescinded accordingly :

Provided that when, in the opinion of ⁷[the ³[State] Government] such modification or rescission is likely to defeat or frustrate any of the purposes of this Act, ⁷[the ³[State] Government] may, by notification in the ⁶[Official Gazette], declare that the modification or rescission shall have no effect and thereupon the rule shall remain in force as if it had not been modified or rescinded.

Power of
³[State]
Government
to apply the
provisions of
this Act to
buffalo-bulls.

24. ⁷[The ³[State] Government] may, by notification in the ⁶[Official Gazette], direct that all or any of the provisions of this Act which shall have been extended to any village under section 2 shall apply to buffalo-bulls in such village from the date specified in such notification and thereupon the reference to bulls and cows in the provisions of this Act so applied shall be construed as references to buffalo-bulls and buffalo-cows respectively and this Act shall apply accordingly.

Validation of
Acts of
Director
of Animal
Husbandry
and
Veterinary
Science.

⁸[24A. Notwithstanding anything contained in this Act, all things done by or on behalf of the Director of Animal Husbandry and Veterinary Science purporting to act in exercise of the powers conferred on the Director of Agriculture under this Act before the date on which the Bombay Live-stock Improvement (Amendment) Act, 1950, came into force, shall be deemed to be and always to have been validly done as required by or under this Act and shall not be deemed to be invalid or called in question merely on the ground that such thing was done by or on behalf of the said Director of Animal Husbandry and Veterinary Science before the said date.].

Bom.
XXXV
of
1950.

25. [Saving.] Deleted by Bom. 50 of 1954, s. 2.

¹ The words " before each of the Chambers of the Provincial Legislature " were substituted for the words " upon the table of the Bombay Legislative Council " by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word " Chambers " by the Adaptation of Laws Order, 1950.

³ This word was substituted for the word " Provincial " *ibid.*

⁴ The word " thereof " was substituted for the words " of the said Council ", by the Adaptation of Indian Laws Order in Council.

⁵ The words " in which both the Chambers concur " were substituted for the words " of the said Council ", *ibid.*

⁶ The words " Official Gazette " were substituted for the words " Bombay Government Gazette ", *ibid.*

⁷ The words " the Provincial Government " were substituted for the word " Government ", *ibid.*

⁸ Section 24A was inserted by Bom. 35 of 1950, s. 9.

BOMBAY ACT No. XIX OF 1936.¹

[THE BOMBAY FAMINE RELIEF FUND ACT, 1936.]

[5th December 1936]

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom. 13 of 1939.

" " " 9 of 1940.*

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 56 of 1950.

" " " 55 of 1954.

An Act to provide for the establishment and maintenance in the Presidency of Bombay of a Fund, called the Bombay Famine Relief Fund, for meeting expenditure at the time of serious famine or of distress caused by serious drought flood or other natural calamities in the said Presidency.

WHEREAS it is expedient to provide for the establishment and maintenance in the Presidency of Bombay of a Fund for utilisation on occasions of serious famine and of distress caused by serious drought, flood or other natural calamities in the said Presidency; And whereas the previous sanction of the Governor required by section 80C of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows:—

5 & 6
Geo.
V, c.
61.

1. (1) This Act may be called the Bombay Famine Relief Fund Act, 1936.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the Presidency of Bombay.

(3) This section shall come into force at once. The remaining provisions of this Act shall come into force on such date as the ²[State] Government may, by notification in the ⁴*Official Gazette*, appoint.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(1) "Fund" means the Bombay Famine Relief Fund established under section 3; and

(2) "Presidency" means the Presidency of Bombay.

3. On the commencement of this Act, the ²[State] Government shall establish in and for the Presidency a Fund called "The Bombay Famine Relief Fund." The Fund shall consist of—

Establish-
ment of the
Bombay
Famine
Relief Fund.

(i) the securities of the ⁵[Central Government] mentioned in section 4;

(ii) the interest which may from time to time accrue on such securities;

(iii) such other sums as the ²[State] Government may from time to time contribute to the Fund under sub-section (2) of section 7 or otherwise; and

(iv) the interest which may from time to time accrue on the securities of the ⁵[Central Government] in which the sums to the credit of the Fund may be invested or reinvested under section 6.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1936, Part V, pp. 190-191; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1936, Vol. XLV.

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁴ The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", by the Adaptation of Indian Laws Order in Council.

⁵ The words "Central Government" were substituted for the words "Government of India", *ibid.*

* This Act was re-enacted by Bom. 16 of 1947, s. 2.

Withdrawal
of the
Famine
Relief Fund
and its
investment
in securities
of the
Central
Government.

4. The ¹[²[State] Government] shall, on the commencement of this Act, apply to the ³[Central Government] for permission to withdraw the balance to their credit in the Famine Relief Fund maintained under rule 29 of the Devolution Rules made under the Government of India Act and on such permission being ^{5 & 6}accorded, the ¹[²[State] Government] shall, after setting apart from the balance ^{Geo. V, c. 61.}so withdrawn, such sum as may be required during the remaining portion of the financial year 1936-37 for the grant of loans to cultivators and for meeting the expenditure on the relief of famine, if any, in the Presidency, invest the balance in securities of the ⁴[Central Government] in the name of the Secretary to the Government of Bombay, Finance Department.

Purposes for
which the
Fund may be
utilised.

5. The Fund shall not be expended except upon—

- (i) the relief of serious famine in the Presidency; and
- (ii) the relief of distress caused by serious drought, flood or other natural calamities in the Presidency :

Provided that when the Fund exceeds ⁵[two hundred lakhs] of rupees, the ¹[²[State] Government] may utilise the excess to meet expenditure on protective irrigation works and other works for the prevention of famine in the Presidency, or for the grant of loans to cultivators either under the Land Improvement Loans Act, 1883, ^{XIX of 1883.}or under the Agriculturists' Loans Act, 1884, or for relief purposes, or in the repayment of advances made by the ³[Central Government] or to meet irrecoverable ^{XII of 1884.}balances of loans granted under the said Acts or for relief purposes.

Investment
and reinvest-
ment of
amounts not
required.

6. The ¹[²[State] Government] shall from time to time invest or re-invest ⁶[in Government securities as defined in section 2(a) of the Indian Securities Act, 1920, or in securities specified in clause (c) or (d) of section 20 of the Indian Trusts ^{X of 1920.}Act, 1882] all sums to the credit of the Fund, which may not be immediately ^{II of 1882.}required for any of the purposes mentioned in section 5.

Accounts of
the Fund
and making
up of the
deficiency
in the Fund.

⁷[7. (1) The accounts of the Fund shall be made up at the end of each financial year, the securities belonging to the Fund being valued at their market value on the last day of such year.

(2) If the accounts so made up show that the balance in the Fund at the end of such year falls short of ⁵[two hundred lakhs] of rupees, the deficiency shall be made up from the Consolidated Fund of the State :

Provided that if the deficiency exceeds ten lakhs of rupees, it may be made up in annual instalments, the amount of each instalment except the last being not less than ten lakhs of rupees.

(3) Any expenditure incurred by the State Government under sub-section (2) shall be charged on the Consolidated Fund of the State.]

¹ The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

³ The words " Central Government " were substituted for the words " Governor General in Council " by the Adaptation of Indian Laws Order in Council.

⁴ The words " Central Government " were substituted for the words " Government of India ", *ibid.*

⁵ These words were substituted for the words " sixty-three lakhs " by Bom. 55 of 1954, s. 2.

⁶ These words were substituted for the words " in securities of the Central Government " by Bom. 9 of 1940, s. 2, read with Bom. 16 of 1947, s. 2.

⁷ Section 7 was substituted for the original by Bom. 56 of 1950, s. 3.

THE BOMBAY MEDICAL PRACTITIONERS' ACT, 1938.

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SCHEDULE.

BOMBAY ACT No. XXVI OF 1938.¹

[THE BOMBAY MEDICAL PRACTITIONERS' ACT, 1938.]

[1st March 1939]

Amended by Bom. 33 of 1949.

" " " 5 of 1950.†

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 48 of 1951.

" " " 13 of 1953.

" " " 61 of 1954.*

An Act to regulate the qualifications and to provide for the registration of practitioners of ²[Ayurvedic and ³[Unani]] systems of medicine with a view to encourage the study and spread of such systems and to amend the law relating to medical practitioners generally in the Province of Bombay.

WHEREAS it is expedient to regulate the qualifications and to provide for the registration of practitioners of the ²[Ayurvedic and ³[Unani]] systems of medicine with a view to encourage the study and spread of such systems and to amend the law relating to medical practitioners generally; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

1. (1) This Act shall be called the Bombay Medical Practitioners' Act, 1938.

(2) It extends to the whole of the ⁴[State] of Bombay.

(3) Parts I and II of this Act shall come into force on such date as the ⁵[State] Government may by notification in the *Official Gazette* appoint. Part III shall come into force in all municipal, cantonment and notified areas in the ⁴[State] on the expiry of two years and in all other areas on the expiry of five years from the date on which Parts I and II come into force in the respective areas.

Short title,
extent and
commence-
ment.

PART II.

⁶[AYURVEDIC AND ³[UNANI]] SYSTEMS OF MEDICINE.

2. In this Part of the Act, unless there is anything inconsistent in the subject Definitions or context,—

(1) "Board" means the Board of ⁶[Ayurvedic and ³[Unani]] systems of medicine, Bombay, established and constituted under section 3.

⁷[(1A) "By-law" means a by-law made under section 28A.

(1B) "Faculty" means the Faculty of ⁶[Ayurvedic and ³[Unani]] systems of medicine, Bombay, established and constituted under section 3A.]

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1938, Part V, pp. 273-277; for Report of the Select Committee, see *Bombay Government Gazette*, 1938, Part V, pp. 512-523; for Proceedings in Assembly, see *Bombay Legislative Assembly Debates*, 1938, Vol. 8, Part II, pp. 1455-1500, 1523-1552, 1577-1582, Vol. 4, *ibid.*, pp. 32-36, 1450, 3843-3890 and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1938, Vol. 4, pp. 192-195, Vol. 5, *ibid.*, pp. 252-273, and 275-324 and 344.

² These words were substituted for the word "Indian" by Bom. 5 of 1950, s. 2.

³ This word was substituted for the words "Unani Tibbi" by Bom. 8 of 1954, s. 2.

⁴ This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

⁵ This word was substituted for the word "Provincial", *ibid.*

⁶ These words were substituted for the word "Indian" by Bom. 5 of 1950, s. 3.

⁷ These clauses were inserted by Bom. 33 of 1949, s. 2.

† Sections 12 and 13 of Bom. 5 of 1950 read as under:—

12. References in any enactment, rule, regulation, order, notification, by-law, application or Construction instruments in force on the day immediately before the coming into force of this Act to "the Board of references Indian Systems of Medicine, Bombay" and to "the Faculty of Indian Systems of Medicine, Bombay" in enact- shall respectively be construed as references to "the Board of Ayurvedic and Unani Tibbi Systems of Medicine, Bombay" and to "the Faculty of Ayurvedic and Unani Tibbi Systems of Medicine, Bombay", regulations, orders, etc.

13. If at the commencement of this Act any legal proceedings are pending to which the Board of Suits and Indian Systems of Medicine, Bombay, or the Faculty of Indian Systems of Medicine, Bombay is proceedings, a party, the Board of Ayurvedic and Unani Tibbi Systems of Medicine, Bombay, and the Faculty of Ayurvedic and Unani Tibbi Systems of Medicine, Bombay, shall, respectively be deemed to be substituted therefor.

* See sections 11 to 13 of Bom. 61 of 1954

¹[(2) "Ayurvedic and ²[Unani] systems of medicine" means the Ayurvedic system of medicine and the ²[Unani] system of medicine.]

(2A) "Ayurvedic system of medicine" or "the Ayurvedic system" means the Ayurvedic (including the Siddha) system of medicine whether supplemented or not by such modern advances as the Faculty may from time to time have determined.

(2B) "²[Unani] system of medicine" or "²[Unani] system" means the ²[Unani] system of medicine whether supplemented or not by such modern advances as the Faculty may from time to time have determined.]

(3) "Inspector" means an Inspector appointed by the ³[Faculty] under section 22.

⁴[(3A) "List" means a list of practitioners prepared and kept under section 18.]

(4) "Part" means a Part of this Act.

(5) "Practitioner" means practitioner of the ⁵[Ayurvedic system of medicine or ²[Unani] system of medicine].

(6) "President" means the President of the Board.

(7) "Qualifying Examination" means ⁶[an examination specified in the Schedule].

⁷[(7A) "Recognised Institution" means an institution recognised under section 21A.]

8* * * * *

(8) "Register" means the Register of practitioners maintained under section 15.

(9) "Registered practitioner" means a practitioner whose name is for the time being entered in the Register.

(10) "Registrar" means the Registrar appointed under section 14.

8* * * * *

(11) "Regulations" means regulations made under section 30.

(12) "Rules" means rules made under section 29.

⁷[(13) "Schedule" means the Schedule appended to this Act.]

Establishment, constitution and incorporation of the Board. 3. (1) Subject to the provisions of section 31, the ⁹[State] Government shall by notification in the *Official Gazette* establish a Board to be called "the Board of ¹⁰[Ayurvedic and ²[Unani]] Systems of Medicine, Bombay." ¹¹* * Such Board shall be a body corporate and have perpetual succession and a common seal and may by the said name sue and be sued.

¹ Clauses (2), (2A) and (2B) were substituted for the original clause (2) by Bom. 5 of 1950, s. 4 (i).

² This word was substituted for the words "Unani Tibbi" by Bom. 6 of 1954, s. 2.

³ This word was substituted for the word "Board" by Bom. 33 of 1949, s. 2.

⁴ This clause was inserted by Bom. 33 of 1949, s. 2.

⁵ These words were substituted for the words "Indian System of Medicine" by Bom. 5 of 1950, s. 4 (ii).

⁶ These words were substituted for the words "the examination held for the purpose of granting a diploma conferring the right of registration under this Act" by Bom. 33 of 1949, s. 2.

⁷ This clause was inserted, *ibid*.

⁸ Clauses (7B) and (.0A) were deleted by Bom. 6 of 1954, s. 3.

⁹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

¹⁰ These words were substituted for the word "Indian" by Bom. 5 of 1950, s. 3.

¹¹ The words "for the purpose of carrying out the provisions of this Part" were deleted by Bom. 33 of 1949, s. 2.

(2) The Board shall consist of ¹[fourteen] members, who shall be appointed in the following manner, namely :—

- 2[(i) A President nominated by the ³[State] Government ;
- (ii) Five members nominated by the ³[State] Government, out of whom—
 - (a) one shall be a person residing in the ⁴[State] or in areas over which the ³[State] Government has jurisdiction under the Extra Provincial Jurisdiction Act, 1947, and practising in the Ayurvedic ⁵* * * system of medicine, and
 - (b) one shall be a person residing in the ⁴[State] or areas referred to in clause (a) and practising in the ⁶[Unani] system of medicine ;
- (iii) Six members elected by the registered practitioners from amongst themselves ; and
- (iv) Two members elected by the Faculty who shall be persons other than those appointed under any of the preceding clauses].

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(3) The seats of members elected under clause (iii) of sub-section (2) shall be so divided amongst the Ayurvedic and ⁶[Unani] registered practitioners as to be in the proportion of their numbers on the Register on the date of the election :

Provided that in determining the said proportion a fraction of one-half and less shall be neglected and a fraction of more than one-half shall be counted as one :

7* * * * *

⁸[3A. There shall be a Faculty of ⁹[Ayurvedic and ⁶[Unani]] Systems of Faculty. Medicine, Bombay. The Faculty shall be a body corporate and have perpetual succession and a common seal and may by the said name sue and be sued. The Faculty shall consist of fourteen members appointed in the following manner, namely :—

- (1) The President shall be the ex-officio chairman ;
 - (2) Six members nominated by the ³[State] Government out of whom at least two shall be registered practitioners ;
 - (3) Two members elected from amongst themselves by the principals or heads of recognised institutions :
- Provided that at least one of them shall be a person who holds any of the qualifications specified in the Schedule.
- (4) Three members elected from amongst themselves by recognised teachers (other than the principals or heads of institutions) in recognised institutions :

Provided that such teachers have been on the roll of a recognised institution for a period of one year immediately preceding the day appointed for election by the ³[State] Government in this behalf :

¹ This word was substituted for the word " thirteen " by Bom. 33 of 1949, s. 3.

² These clauses were substituted for the original, *ibid.*

³ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

⁴ This word was substituted for the word " Province ", *ibid.*

⁵ The brackets and words " (including Siddha) " were deleted by Bom. 5 of 1950, s. 5.

⁶ This word was substituted for the words " Unani Tibbi " by Bom. 61 of 1954, s. 2.

⁷ The second proviso to sub-section (3) and sub-section (4) and the Explanation were deleted by Bom. 33 of 1949, s. 3.

⁸ This section was inserted, *ibid.*, s. 4.

⁹ These words were substituted for the word " Indian " by Bom. 5 of 1950, s. 2.

Provided also that out of the three members so elected by such teachers, at least one shall be a registered practitioner, and another who shall hold any of the qualifications specified in the Schedule.

(5) Two members elected by the Board who shall be persons other than those appointed under any of the preceding clauses, but one of whom shall be a registered practitioner in the ¹[Unani] system :

Provided that—

(a) if there are one or more recognised institutions giving instruction in the full course of ¹[Unani] system, the number of members to be elected under clause (3) shall be three, one of whom shall be the principal or head of such institution, the total number of the members of the Faculty being in that case increased to fifteen ;

(b) the Faculty shall always contain at least two members who are entitled to represent the ¹[Unani] system under this section.

Explanation.—If any question arises whether a particular person is entitled to represent the ¹[Unani] system, the decision of the ²[State] Government shall be final.]

Nomination
of members
in default of
election.

4. If any of the members is not elected under ³[section 3 or 3A], the ²[State] Government may * * * nominate such registered practitioners as they deem fit and the practitioners so nominated shall for the purposes of this Part be deemed to have been duly elected under ³[section 3 or 3A, as the case may be].

Election of
members.

5. The election of practitioners entitled to be the members of the Board ⁵[and the Faculty] shall be held at such time and place and in such manner as may be prescribed by rules :

⁶[Provided that in the case of the members of the Faculty to be elected by the Board and of the members of the Board to be elected by the Faculty the other members of the Board or the Faculty, as the case may be, shall, as soon as may be, after their election or nomination, meet to hold the election.]

Term of
office.

6. (1) Save as otherwise provided by this Part—

⁷[(a)] the term of office of elected and nominated members ⁸[of the Board] shall be for a period of five years commencing from the date on which the first meeting of the Board is held after the members are elected under sub-section (2) of section 3 ;

⁹[(b) the term of office of elected and nominated members of the Faculty shall expire on the date on which the term of the Board expires under this section.]

(2) An outgoing member shall continue in office until the election or nomination of his successor, as the case may be.

(3) The outgoing member shall be eligible for re-nomination or re-election.

Vacancies.

7. If a vacancy occurs in the office of a member of the Board ¹⁰[or the Faculty] through death, resignation, removal or disability of such member or otherwise, previous to the expiry of the period of his office, the vacancy shall be filled in the

¹ This word was substituted for the words " Unani Tibbi " by Bom. 61 of 1954, s. 2.

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

³ These words, figures and letter were substituted for " clause (iii) of sub-section (2) of section 3 " by Bom. 33 of 1949, s. 5.

⁴ The words " notwithstanding anything contained in sub-section (2) of the said section " were deleted, *ibid.*

⁵ These words were substituted for " under clause (iii) of sub-section (2) of section 3 ", *ibid.*, s. 6.

⁶ This proviso was added, *ibid.*, s. 6.

⁷ The brackets and letter " (a) " were inserted, *ibid.*, s. 7.

⁸ These words were inserted, *ibid.*

⁹ This clause was substituted for the proviso, *ibid.*

¹⁰ These words were inserted by Bom. 33 of 1949, s. 8.

manner prescribed by rules. Any person nominated or elected to fill the vacancy shall, notwithstanding anything contained in section 6, hold office only so long as the member in whose place he is nominated or elected, would have held office if the vacancy had not occurred.

8. Any member ¹[of the Board or the Faculty] may at any time resign his office by letter addressed to the President ²[or the Chairman, as the case may be]. Such resignation shall take effect from the date on which it is received by the President ³[or the Chairman, as the case may be]. Resignation of a member.

9. If any member, during the period for which he has been nominated or elected,— Disabilities for continuing as member.

(a) absents himself without such reasons as may in the opinion of the Board ²[or the Faculty] be sufficient, from three consecutive ordinary meetings of the Board ²[or the Faculty], or

(b) becomes subject to any of the disqualifications mentioned in section 10, the Board ²[or the Faculty, as the case may be,] shall declare his office to be vacant.

10. No person shall stand as a candidate for election as a member of the Board ²[or the Faculty] or shall be a member of the Board ²[or the Faculty],— Disqualifications.

(a) who is an undischarged insolvent,

(b) who has been adjudicated by a competent Court to be of unsound mind, or

(c) whose name has been removed from the Register.

11. No disqualification of or defect in the election or nomination of any person acting as a member of the Board ²[or the Faculty] or as the President, ⁴[or Chairman] or presiding authority of a meeting shall be deemed to vitiate any act or proceeding of the Board ²[or the Faculty, as the case may be], in which such person has taken part. Validity of proceedings.

12. ⁶[The Board or the Faculty shall meet] at such time and place and ⁶[every Time and place of meeting of the Board and the Faculty] shall be summoned in such manner as may be prescribed by regulations ⁷[or by-laws, as the case may be] : Board and Faculty.]

Provided that until ⁸[such regulations or by-laws] are made, it shall be lawful for the President ⁸[or the Chairman] to summon a meeting of ⁹[the Board or the Faculty, as the case may be,] at such time and place as he may deem expedient by letter addressed to each member.

13. (1) The President shall preside at every meeting of the Board. In the absence of the President the members present shall elect one of them to preside. Procedure at meetings of Board

¹⁰[(1A) The Chairman shall preside at every meeting of the Faculty. In the absence of the Chairman the members present shall elect one of them to preside. of Board and Faculty.]

(2) All questions at a meeting of the Board ¹¹[or the Faculty] shall be decided by the votes of the majority of the members present at the meeting. Eight members shall form a quorum. No quorum shall be necessary for a meeting adjourned for want of a quorum.

(3) At every meeting of the Board ¹²[or the Faculty] ¹³[the person presiding] for the time being shall, in addition to his vote as a member of the Board ¹²[or the Faculty] have a second or casting vote in case of an equality of votes.

¹ These words were inserted by Bom. 33 of 1949, s. 9.

² These words were inserted, *ibid.*, s. 10.

³ These words were inserted, *ibid.*, ss. 11 and 12.

⁴ These words were inserted, *ibid.*, s. 12.

⁵ These words were added, *ibid.*, s. 13.

⁶ These words were substituted for the original, *ibid.*

⁷ These words were added, *ibid.*

⁸ These words were inserted, *ibid.*

⁹ These words were added *ibid.*, s. 14.

¹⁰ This sub-section was inserted, *ibid.*

¹¹ These words were inserted, *ibid.*

¹² These words were inserted by Bom. 33 of 1949, s. 14.

¹³ These words were substituted for the words "the president", *ibid.*

Power and
functions of
Board.

¹[13A. Subject to such conditions as may be prescribed by or under the provisions of this Act, the powers and functions of the Board shall be,—

(a) to appoint the Registrar and other officers and servants and to fix their salaries and allowances;

(b) to provide for the registration of practitioners and entry of their names in the list under this Act;

(c) to reprimand a registered practitioner or a practitioner² whose name is entered in the list or to suspend or remove him from the register or list and to take such other disciplinary action against him as may, in the opinion of the Board be necessary or expedient;

²[(cc) (i) to reprimand any person who practises any system of medicine to whom the provisions of section 32 do not apply by virtue of a notification issued under the proviso to sub-section (1) of the said section 32;

(ii) to suspend or prohibit such person from practising any system of medicine;

(iii) to take such other disciplinary action against such person as may in the opinion of the Board be necessary or expedient;

Provided that the Board shall not exercise any power under sub-clause (ii) or (iii) of this clause except with the previous sanction of the State Government.]

(d) to hear and decide appeals from the decisions of the Registrar.]

Powers and
functions of
Faculty.

¹[13B. Subject to such conditions as may be prescribed by or under the provisions of this Act, the powers and functions of the Faculty shall be—

(a) to prescribe the course of training and the standard and subjects of qualifying examinations including the course of training and examinations prior to such qualifying examinations;

(b) to hold qualifying examinations and other examinations, to appoint examiners, to fix their fees and allowances and to declare the results of examinations;

(c) to grant degrees, honoraria, diplomas, licences and marks of honour;

(d) to award stipends, scholarships, medals, prizes and other rewards;

(e) to recommend recognition to institutions for the purpose of giving instruction ³[either in the Ayurvedic System of Medicine or the ⁴[Unani] System of Medicine or both] or to recommend their cancellation;

(f) to prepare, publish and prescribe text books and to publish statements of prescribed courses of study;

(g) to provide for the maintenance of an adequate standard of proficiency for the practice of the ⁵[Ayurvedic System of Medicine or the ⁴[Unani] System of Medicine];

(h) to found and maintain a library;

(i) to recommend schemes for post-graduate training and research in the ⁶[Ayurvedic and ⁴[Unani] Systems of Medicine];

(j) to provide for the inspection of institutions and to require institutions giving instruction ³[either in the Ayurvedic System of Medicine or the ⁴[Unani] System of Medicine or both] to furnish such information as may be necessary;

¹ Sections 13A and 13B were inserted by Bom. 33 of 1949, s. 15.

² This clause was inserted by Bom. 61 of 1954, s. 4.

³ These words were substituted for the words "in the Indian System of Medicine" by Bom. 5 of 1950, s. 6.

⁴ This word was substituted for the words "Unani Tibbi" by Bom. 61 of 1954, s. 2.

⁵ These words were substituted for the words "Indian System of Medicines" by Bom. 5 of 1950, s. 7.

⁶ These words were substituted for the word "Indian", *ibid.*, s. 3.

(k) to appoint Inspectors and such other Officers and servants as may be necessary ;

(l) to appoint any committees or boards of studies as may be necessary and to lay down their constitution, duties and functions. Such committees or boards may contain members who are not members of the Faculty.]

¹[13C. The Board and the Faculty shall also exercise such other powers and perform such other functions as may be prescribed by or under this Act, or as the ²[State] Government may direct for carrying out the purposes of this Act.] Other powers and functions of Board and Faculty.

14. (1) The Board shall, with the previous approval of Government, appoint a Registrar. The Registrar shall receive such salary and allowances as may be prescribed by rules. The Board may from time to time grant him leave and may appoint a person to act in his place. Any person duly appointed to act as Registrar shall be deemed to be the Registrar for all the purposes of this Act :

²[Provided that where the period of leave to be granted to the Registrar does not exceed one month, the President may grant such leave.]

(2) Any order of the Board appointing, punishing or removing a Registrar from office shall not be passed without the previous approval of the ³[State] Government.

(3) The Board may appoint such other officers and servants as may be necessary for the purposes of this Act :

Provided that the number and designations of such officers and servants, their salaries and allowances shall be subject to the previous approval of the ³[State] Government.

(4) The Registrar and any other officer or servant appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

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15. (1) Subject to the provisions of this Part and subject to any general or special orders of the Board, it shall be the duty of the Registrar to keep the Register ⁴[and the list. It shall also be the duty of the Registrar to attend the meetings of the Board and the Faculty and to perform generally the duties of the Secretary to both the said bodies.] Duties of Registrar.

(2) The Register shall be in such form as may be prescribed by rules. The Register shall be divided into the two parts :—

(i) that containing the names of practitioners qualified to practise the Ayurvedic system ; and

(ii) that containing the names of practitioners qualified to practise the ⁵[Unani] system.

The Register shall contain the names, residence and qualifications of every practitioner registered together with the date on which such qualification was acquired.

¹ Section 13B was inserted by Bom. 33 of 1949, s. 15.

² This proviso was added by Bom. 33 of 1949, s. 16.

³ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

⁴ These words were added by Bom. 33 of 1949, s. 17.

⁵ This word was substituted for the words " Unani Tibbi " by Bom. 61 of 1954, s. 2.

(3) The Registrar shall keep the Register correct as far as possible and may from time to time enter therein any material alteration in the address or qualification of the practitioners. The names of registered practitioners who die or whose names are directed to be removed from the Register under sub-section (3) of section 16 shall be removed from the Register.

(4) The [State] Government may direct that any alteration in the entries as respects additional qualifications shall not be made unless on payment of such fee as may be prescribed by rules.

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Registration. 16. (1) Every person who passes a qualifying examination shall on payment of a fee of Rs. 10 be entitled to have his name entered in the Register.

3* * * * *

(3) The Board may direct that the name of any practitioner who has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898, which discloses such defect of moral character as is, in the opinion of the Board, sufficient to make him unfit to practise his profession or who, after due inquiry, has been found guilty of conduct, which is in the opinion of the Board infamous in any professional respect, shall be removed from the Register. The Board may, sufficient cause being shown, also direct that the name of the practitioner so removed shall be re-entered in the Register.

Appeal to Board from the decision of Registrar. 17. (1) Any person aggrieved by the decision of the Registrar regarding the registration of any person or any entry in the Register may appeal to the Board.

(2) Such appeal shall be filed and shall be heard and decided by the Board in the manner prescribed by the rules.

(3) The Board may on its own motion or on the application of any person, after due and proper enquiries and after giving an opportunity to the person concerned of being heard, cancel or alter any entry in the Register, if, in the opinion of the Board, such entry was fraudulently or incorrectly made.

Maintenance of list of persons in practice on 10th March 1938. 18. (a) The Registrar shall also prepare and keep a list called "a list of persons in practice on the 10th March 1938".

(b) Every person not being a person qualified for registration under this Act Bom or under the Bombay Medical Act, 1912, who, within a period of two years from VI of the date from which this Part comes into force, proves to the satisfaction 1912. of the Registrar that he has been in regular practice in this [State] on the 10th March 1938, of any system of medicine or surgery or midwifery or any of their branches shall be entitled to have his name entered in the aforesaid list on payment of Rs. 10 :

¹ This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

² Sub-section (5) was deleted by Bom. 61 of 1954, s. 5. Sub-section (5) shall be deemed to have been deleted with effect from 1st June 1954, see s. 13 of Bom. 61 of 1954.

³ Sub-section (2) was deleted, by Bom. 33 of 1949, s. 17 and s. 18.

⁴ This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

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Provided, however, that any person whose name has been removed from the Register kept under the Bombay Medical Act, 1912, or the Register kept under an Act of ¹[the Legislature of a State in India] or from the register of any country where he was formerly practising, for infamous conduct in a professional respect, shall not be entitled to have his name entered in the list.

(c) The provisions of sub-sections (3) and (5) of section 15, sub-section (3) of section 16, and section 17 shall *mutatis mutandis* apply to this list.

²[18A. ³(1) Notwithstanding anything contained in section 16 or 18, each medical practitioner shall pay to the Board on or before the 31st day of December 1954 and every three years thereafter a renewal fee of such amount and on or before such date as may be prescribed by rules, for the continuance of his name on the Register or list, as the case may be.] Renewal fee.

(2) If the renewal fee is not paid before the due date, the Registrar shall remove the name of the defaulter from the Register or list, as the case may be :

Provided that the name so removed may be re-entered in the Register or list on payment of the renewal fee in such manner and subject to such conditions as may be prescribed].

19. Notwithstanding anything in any law for the time being in force—

(1) the expression "legally qualified medical practitioner" or "duly qualified medical practitioner" or any word importing a person recognised by law as a medical practitioner or member of medical profession shall in all Acts of Legislature in the ⁴[State] of Bombay and in all ⁵[Central Acts] (in their application to the ⁴[State] of Bombay) in so far as such Acts relate to any of the matters specified in List II or List III in the Seventh Schedule to the ⁶[Constitution], include a registered practitioner ; Qualified practitioners certificates.

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(2) A certificate required by any Act from any medical practitioner or medical officer shall be valid, if such certificate has been signed by a registered practitioner ;

(3) a registered practitioner shall be eligible to hold any appointment as a Physician, Surgeon or other medical officer in any Ayurvedic or Unani dispensary, hospital, infirmary or lying-in-hospital supported by or receiving a grant from the ⁴[State] Government and treating patients according to the Indian systems of medicine or in any public establishment, body or institution dealing with such systems of medicine.

20. [Notice of death] Deleted by Bom. 61 of 1954, s. 7.

21. ⁷[Save as otherwise provided by the provisions of this Act ⁸[the name of] any person] shall not be entered in the Register as a registered practitioner, unless he has passed a qualifying examination. Examination before registration.

¹ This portion was substituted for the portion "a Provincial Legislature in British India" by the Adaptation of Laws Order, 1950.

² This section was inserted by Bom. 33 of 1949, s. 19.

³ This sub-section was substituted for the original by Bom. 61 of 1954, s. 6.

⁴ This word was substituted for the word "Provincial" and "Province" by the Adaptation of Laws Order, 1950.

⁵ These words were substituted for the words "Acts of the Central Legislature", *ibid.*

⁶ This word was substituted for the original portion, *ibid.*

⁷ These words were substituted for "Notwithstanding anything contained in section 16 on and after the expiry of two years from the date from which this Act comes into force," by Bom. 33 of 1949, s. 20.

⁸ These words were substituted for the words "a person", *ibid.*

Recognition
of
Institutions

¹[21A. (1) Any institution applying for recognition under this Act shall send an application to the Registrar and shall give full information in respect of the following matters :—

- (a) the constitution and personnel of the managing body ;
- (b) subjects and courses in which it gives or proposes to give instruction ;
- (c) accommodation, equipment and the number of students for whom provision has been or is proposed to be made ;
- (d) the strength of the staff, their salaries, qualifications and the research work made by them ;
- (e) fees levied or proposed to be levied and the financial provision made for capital expenditure on buildings and equipment and for the continued maintenance and efficient working of the institution.

(2) The Registrar shall place the application before the Faculty and the Faculty may direct the Registrar to call for any further information which it may deem necessary. The Faculty may also direct a local inquiry to be made by a competent person or persons authorised by it in this behalf.

(3) After recording the report of such local inquiry and after making such further inquiry as may be necessary, the Faculty shall forward the application together with its report to the ²[State] Government stating its opinion whether the recognition asked for should or should not be granted. The ²[State] Government may thereupon grant or refuse the recognition or may grant it subject to such conditions as it deems fit. The decision of the ²[State] Government shall be final].

Qualifying
examination.

22. (1) The ³[Faculty shall by by-laws prescribe the course of training and qualifying examinations including the course of training and examinations prior to qualifying examinations. ³[Such by-laws] shall provide that instruction and examinations shall, as far as possible, be given or held in any of the Indian languages spoken in the ²[State].

(2) A qualifying examination shall be an examination in the ⁴[Ayurvedic system of medicine or the ⁵[Unani] system of medicine] including the subjects of medicine, surgery and midwifery held ⁴[by the Faculty] for the purpose of granting ⁶[a degree or] a diploma conferring the right of registration under this Part ⁷[and specified in the Schedule ; and such other examination as may on the recommendation of the Faculty be included in the Schedule by the ²[State] Government by a notification in the *Official Gazette* from and after the date specified in the notification.]

(3) It shall be the duty of ⁸[the Faculty] to secure the maintenance of an adequate standard of proficiency for the practice of the ⁹[Ayurvedic system of medicine or the ⁵[Unani] system of medicine] including the subjects of medicine, surgery and midwifery. For the purpose of securing such standard, ⁸[the Faculty] shall have authority to call on the governing body or authorities ¹⁰[of any body or institution]

¹ This section was inserted by Bom. 33 of 1949, s. 21.

² This word was substituted for the words "Provincial" and "Province" by the Adaptation of Laws Order, 1950.

³ These words were substituted for the original by Bom. 33 of 1949, s. 22.

⁴ These words were substituted for "Indian systems of medicine" by Bom. 5 of 1950, s. 7.

⁵ This word was substituted for the words "Unani Tibbi" by Bom. 61 of 1954, s. 2.

⁶ These words were inserted by Bom. 33 of 1949, s. 21.

⁷ This portion was substituted for the original, *ibid*.

⁸ These words were substituted for the words "the Board", *ibid*.

⁹ These words were substituted for the words "Indian system of medicine" by Bom. 5 of 1950, s. 9.

¹⁰ These words were substituted for the words "of any institution" by Bom. 33 of 1949, s. 22.

giving instruction ¹[either in the Ayurvedic system of medicine or the ²[Unani] system of medicine or both] and ³[on any body or institution recognised to hold a qualifying examination under sub-section (2) or holding a qualifying examination specified in the Scheduled,]—

(a) to furnish such particulars as ⁴[the Faculty] shall require of any course of study prescribed ⁵[by by-laws or examination held by such body or institution] with reference to the grant of any qualification; and

(b) to permit Inspectors ⁶[or any member or visitor] appointed by ⁴[the Faculty] from among the Registered practitioners in this behalf to attend and be present at all or any of the qualifying or prior examinations.

(4) The ⁷[Inspectors, members or visitors] shall not interfere with the conduct of any examination, but it shall be their duty to report to ⁴[the Faculty] their opinion as to the sufficiency or insufficiency of every examination which they attend and any other matters in relation to such examinations on which ⁴[the Faculty] may require them to report.

(5) Every qualifying examination and every prior examination leading up to it held by the bodies or institutions authorized under this section shall be inspected by ⁸[the Inspectors, members or visitors] at least once in ⁹[five] years and more frequently if ⁴[the Faculty] directs.

(6) ⁴[The Faculty] shall forward a copy of every such report to the body which held the examination in respect of which the said report was made and shall also forward a copy of such report, together with any observations thereon made by the said body, to the ¹⁰[State] Government.

(7) An Inspector, ¹¹[a member or a visitor] shall receive such remuneration to be paid as part of the expenses of ⁴[the Faculty], as ⁴[the Faculty], with the previous sanction of the ¹⁰[State] Government, may determine.

¹²[22A. If it shall appear to the ¹⁰[State] Government on the report of the Power of Faculty or otherwise that the course of study and examinations prescribed by any body or institution conferring a qualification for an examination not entered in the Schedule are such as to secure the possession by persons obtaining such qualification of the requisite knowledge and skill for the efficient practice of their profession, it shall be lawful for the ¹⁰[State] Government from time to time by notification in the *Official Gazette* to direct that the possession of such qualification shall, subject to the provisions of this Act, entitle a person to be so registered under this Part and to include in the Schedule any examination relating to such qualification as a qualifying examination from and after the date specified in the notification.]

¹ These words were substituted for the words "in the Indian systems of medicine" by Bom. 5 of 1950, s. 9.

² This word was substituted for the words "Unani Tibbi" by Bom. 61 of 1954, s. 2.

³ This portion was substituted for the original by Bom. 33 of 1949, s. 22.

⁴ These words were substituted for the words "the Board", *ibid.*

⁵ These words were substituted for the words "by regulations or examination held by such body or authority or in such school or college", *ibid.*

⁶ These words were inserted, *ibid.*

⁷ These words were substituted for the word "Inspectors", *ibid.*

⁸ These words were substituted for the words "the Inspectors", *ibid.*

⁹ This word was substituted for the word "three", *ibid.*

¹⁰ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

¹¹ These words were inserted by Bom. 5 of 1950, s. 9.

¹² This section was inserted, *ibid.*, s. 23.

Removal of
institutions
authorized
to hold
qualifying
examinations.

23. If it shall appear to the ¹[State] Government on the report of ²[the Faculty or otherwise] that the course of study and examinations prescribed by any ³[of the bodies or institutions recognised to hold ⁴qualifying examinations under sub-section (2) of section 22 or holding examinations specified in the Schedule] are not such as to secure the maintenance of an adequate standard of proficiency for the practice of the ⁵[Ayurvedic system of medicine or the ⁶Unani system of medicine] including the subject of medicine, surgery or midwifery, as the case may be, it shall be lawful for the ¹[State] Government from time to time ⁷[to direct that the recognition of any body or institution to hold qualifying examinations under section 22 shall be withdrawn and the said body or institution] shall not be authorized to hold a qualifying examination :

Provided that before any direction ⁷[for the withdrawal of the recognition of any body or institution] is made under this section, ⁸[the Faculty shall require the body or institution] to take steps within such time as it thinks fit to provide that the course of study and examinations prescribed ⁹[by the body or institution are] of an adequate standard.

Exemption
from serving
on inquests.

24. Notwithstanding anything in any other law for the time being in force, every registered practitioner shall be exempt, if he so desires, from serving on any inquest or as a juror or assessor under the Code of Criminal Procedure, 1898. v of 1898

Fees payable
to members
of Board
¹⁰[and the
Faculty].

25. There shall be paid to the members of the Board ¹⁰[and the Faculty] such fees and allowances for attendance and such reasonable travelling allowances as shall from time to time be prescribed by rules.

Fees received
by Board
¹⁰[and the
Faculty].

26. All moneys received by the Board ¹⁰[and the Faculty] as fees under this Part shall be applied for the purposes of this Part in accordance with the rules.

Annual list
of practi-
tioners.

27. (1) The Registrar shall ¹¹[at least once in every five years] on or before a date to be fixed by the Board, cause to be printed and published a correct list of the names and qualifications of all practitioners for the time being entered in the Register and the dates when such qualifications were acquired.

(2) In any proceeding it shall be presumed that every person entered in such list is a registered practitioner and that any person not so entered is not a registered practitioner.

28. [False assumption of degree or diploma to be an offence.] Repealed by Bom. 33 of 1949; s. 28.

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

² These words were substituted for the words "the Board," by Bom. 33 of 1949, s. 24.

³ This portion was substituted for the words "of the institutions specified in the notification under section 22", *ibid.*

⁴ These words were substituted for the words "Indian systems of medicine" by Bom. 5 of 1950, s. 7.

⁵ This word was substituted for words "Unani Tibbi" by 61 of 1954, s. 2.

⁶ This portion was substituted for the original by Bom. 33 of 1949, s. 24.

⁷ These words were substituted for the words "for the removal of an institution from the said notification", *ibid.*

⁸ These words were substituted for the words "the Board shall require the institution", *ibid.*

⁹ These words were substituted for the words "by the institutions are", *ibid.*

¹⁰ These words were inserted, *ibid.*, ss. 25 and 26.

¹¹ These words were substituted for the words "in every year", *ibid.*, s. 27.

¹[28A. (1) The Faculty may, with the previous sanction of the ²[State] Govern-By-laws. ment, make by-laws not inconsistent with this Part or the rules for the following matters, namely :—

- (a) the course of study for training and qualifying examinations ;
- (b) the language in which the examinations shall be conducted and instruction shall be given ;
- (c) the admission of students to the recognised institutions ;
- (d) the conditions under which students shall be admitted to degrees, diplomas, licence or certificate's course and to the qualifying and prior examinations ;
- (e) the conditions of appointment of examiners and the conduct of examinations ;
- (f) the conditions for the recognition of teachers in recognised institutions ;
- (g) the requirements for the recognition of teaching institutions ;
- (h) such other matters as may be necessary for the exercise of powers and performance of functions to be exercised or performed by the Faculty under this Act.

(2) All by-laws shall be published in the *Official Gazette*.

(3) The ²[State] Government may by notification in the *Official Gazette* cancel any by-law :

Provided that in submitting by-laws for the sanction of the ²[State] Government under this section the Faculty shall send a copy of its proceedings relating to the passing of such by-laws and shall state the number of its members representing ³[the Ayurvedic system of medicine and the ⁴[Unani] system of medicine, respectively] who have voted for or against such by-laws or not voted in respect of such by-laws :

Provided further that in sanctioning the said by-laws due consideration shall be given to the opinion of the members of ³[the Ayurvedic system of medicine and the ⁴[Unani] system of medicine, respectively] as expressed in the said proceedings.]

29. (1) The ²[State] Government may, after previous publication, make Rules. rules to carry out all or any of the purposes of this Part.

(2) In particular and without prejudice to the generality of the foregoing power, the ²[State] Government may make rules for any of the following matters :—

- (a) the time at which and the place and manner in which election shall be held under section 5 ;
- (b) the manner in which vacancies shall be filled under section 7 ;
- (c) the manner in which the meetings of the Board ⁵[and the Faculty] shall be convened and held ;
- (d) the salary, allowances and other conditions of service of the Registrar under section 14 ;
- (e) the form of the Registrar and the particulars to be entered therein under section 15 ;
- (f) fees chargeable for the alteration of entries in the Register ;

¹ This section was inserted by Bom. 33 of 1949, s. 29.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ These words were substituted for the words "either system of Indian medicine" by Bom. 5 of 1950, s. 10.

⁴ This word was substituted for the words "Unani Tibbi" by Bom. 61 of 1954, s. 2.

⁵ These words were inserted by Bom. 33 of 1949, s. 30.

(g) the manner in which appeals against the decision of the Registrar shall be heard by the Board under section 17 ;

(h) the application of fees ;

(i) fees and other allowances payable to members of the Board ¹[and the Faculty] under section 25 ;

²[(ii) the amount of and the date on or before which renewal fee shall be paid and the manner in which and the conditions subject to which the name of a practitioner may be re-entered in the register or list under section 18A ;]

(j) the furtherance of any of the objects of ³[this Part] ;

* * * * *

Regulations. 30. (1) The Board may, with the previous sanction of the ⁵[State] Government, make regulations not inconsistent with this Part or the rules for any of the following matters, namely :—

(a) the time and place at which the Board shall hold its meetings under section 12 ;

(b) the salary, allowances and other conditions of service of officers and servants of the Board other than the Registrar, under section 14 ;

* * * * *

(h) all other matters which may be necessary for the purposes of carrying out the objects of this Part.

(2) All regulations shall be published in the *Official Gazette*.

(3) The ⁵[State] Government may by notification in the *Official Gazette* cancel any regulation.

* * * * *

Control of
⁵[State]
Government.

31. If at any time it shall appear to the ⁵[State] Government that the Board ⁸[or the Faculty] has failed to exercise or has exceeded or abused any of the powers conferred upon it by or under this Part or has failed to perform any of the duties conferred upon it by or under this Part, the ⁵[State] Government may, if it considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to the Board ⁸[or the Faculty, as the case may be] and if the Board ⁸[or the Faculty] fails to remedy such default, excess or abuse, within such time as the ⁵[State] Government may fix on this behalf, the ⁵[State] Government may dissolve the Board ⁸[or the Faculty, as the case may be] and cause all or any of the powers and duties of the Board ⁸[or the Faculty, as the case may be] to be exercised and performed by such persons and for such period not exceeding two years as it may think fit.

⁹[31A. Registration Tribunal.] Deleted by Bom. 61 of 1954, s. 9.

¹ These words were inserted by Bom. 33 of 1949, s. 30.

² This clause was substituted for the original by Bom. 61 of 1954, s. 8 (a).

³ These words were substituted for the words "the Board" by Bom. 33 of 1949, s. 30.

⁴ Clause (k) was deleted by Bom. 61 of 1954, s. 8 (b).

⁵ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁶ Clauses (c) to (g) were deleted by Bom. 33 of 1949, s. 31.

⁷ The two provisos were deleted, *ibid.*

⁸ These words were inserted, *ibid.*, s. 32.

⁹ Sections 31A, 31B and 31C were inserted, *ibid.*, s. 33.

¹[31B.] [*Application for registration*]. Deleted by Bom. 61 of 1954, s. 9.

¹[31C.] [*Power of Registration Tribunal to enter names in Register or list*]. Deleted by Bom. 61 of 1954, s. 9.

²[31D. Notwithstanding anything contained in this Act or rules, regulations or by-laws made thereunder if at any time it shall appear to the State Government that the Board or the faculty or any other authority empowered to exercise any of the powers or to perform any of the functions under this Act, has not been validly constituted or appointed, the State Government may cause any of the powers and duties of the Board or the Faculty or any other authority, as the case may be, to be exercised and performed by such person, in such manner and for such period not exceeding six months and subject to such conditions, as it may think fit.]

Power of Government to have powers and functions of authorities not validly constituted to be performed by any person.

PART III.

MEDICAL PRACTITIONERS GENERALLY.

Bom. VI of 1912. 32. ³[(1)] No person other than (i) a practitioner registered under Part II of this Act or (ii) a medical practitioner registered under the Bombay Medical Act, 1912, or (iii) a person whose name is entered in the list mentioned in section 18 ⁴[or a person whose name is entered in the register maintained or kept under the Bombay Homoeopathic Act, 1951] ⁵[shall practise any system of medicine] :

Medical practitioners not registered under this Act or under Bom. VI of 1912 not to practise, etc.

Bom. XLV. III of 1951.

Provided that the ⁶[State] Government may, by notification in the *Official Gazette*, direct the provisions of this section shall not apply to any class of persons or in any specified area.

⁷[(2) A person shall be deemed to practise any system of medicine within the meaning of sub-section (1) who holds himself out as being able to diagnose, treat, operate or prescribe medicine or other remedy or to give medicine for any human disease, pain, injury, deformity or physical condition or who by any advertisement, demonstration, exhibition or teaching offers or undertakes, by any means or method

¹ Sections 31A, 31B and 31C were inserted by Bom. 33 of 1949, s. 33.

² Section 31D was inserted by Bom. 5 of 1950, s. 11.

³ Section 32 was renumbered as sub-section (1) of that section by Bom. 61 of 1954, s. 10(1).

⁴ This portion was inserted by Bom. 48 of 1951, s. 40, Sch. II. This amendment will come into force from the date on which the register shall be given in the custody of the Board under section 20 of Bom. 48 of 1951.

⁵ These words were substituted for the words "shall practice or hold himself out, whether directly or by implication, as practising for personal gain any system of medicine, surgery or midwifery" by Bom. 61 of 1954, s. 10(2).

⁶ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁷ This sub-section was inserted by Bom. 61 of 1954, s. 10(3).

whatsoever to diagnose, treat, operate or prescribe medicine or other remedy or to give medicine for any human disease, pain, injury, deformity or physical condition :

Provided that any person who mechanically fits or sells lenses, artificial eyes, limbs or other apparatus or appliances or is engaged in the mechanical examination of eyes for the purpose of constructing or adjusting spectacles, eye glasses or lenses or practises physio-therapy or electro-therapy or chiropody or who without personal gain furnishes medical treatment or does domestic administration of family remedies shall not be deemed to practise medicine within the meaning of this section.

Explanation.—For the purposes of sub-section (2),—

(c) "advertisement" includes any word, letter, notice, circular, picture, illustration, model, sign, placard, board or other document and any announcement, made orally or by any means of producing or transmitting light, sound, smoke, or other audible or visible representation ; and

(b) "physio-therapy" means treatment of human disease, pain, injury, deformity or physical condition by massage or other physical means but does not include bone setting.]

Medical practitioner not registered under this Act or under Bom. VI of 1912 not to sign birth or death certificate, etc.

33. Notwithstanding anything in any law for the time being in force, no person other than a practitioner registered under Part II of this Act or a medical practitioner registered under the Bombay Medical Act, 1912, ^{Bom. VI of 1912.} [or a practitioner whose name is entered in Part A or Part B of the register under the Bombay Homoeopathic Act, 1951]— ^{Bom. XLV. III. of 1951.}

(a) shall sign or authenticate a birth or death certificate required by any law or rule to be signed or authenticated by a duly qualified medical practitioner ;

(b) shall sign or authenticate a medical or physical fitness certificate required by any law or rule to be signed or authenticated by a duly qualified medical practitioner ; or

(c) shall be qualified to give evidence at any inquest or in any Court of law as an expert under section 45 of the Indian Evidence Act, 1872, on any matter relating to medicine, surgery or midwifery. ^{I of 1872.}

Penalty for contravention of section 32.

²[34. Any person who acts in contravention of the provisions of section 32 shall, on conviction, be punished—

(i) for a first offence, with fine which may extend to five hundred rupees ;

(ii) for a second offence, with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees ;

(iii) for a third and subsequent offences, with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees.]

¹ This portion was inserted by Bom. 48 of 1951, s. 40, Sch. II. This amendment will come into force from the date on which the register shall be given in the Custody of the Board under section 20 of Bom. 48 of 1951.

² Section 34 was substituted for the original by Bom. 13 of 1953, s. 2.

VII of 1916. Bom. VI of 1912. Bom. XLV. III of 1951. VII of 1916. Bom. VI of 1912. Bom. XLV. III of 1951.

35. (1) No person other than a body or institution authorized under section 22 of this Act or under the Indian Medical Degrees Act, 1916, or under the Bombay Medical Act, 1912, ¹[or the Bombay Homoeopathic Act, 1951] shall confer, grant or issue or hold himself out as entitled to confer, grant or issue any degree, diploma or licence which is identical with or is a colourable imitation of any degree, diploma or licence granted by a body or institution authorized under this Act or under the Indian Medical Degrees Act, 1916, or under the Bombay Medical Act, 1912, ¹[or the Bombay Homoeopathic Act, 1951,] as the case may be.

Conferring, granting or issuing colourable imitations of degrees, diplomas or licences to be an offence.

2[(2) Any person who contravenes the provisions of sub-section (1), and if the person so contravening is an association, every member of such association who knowingly or wilfully authorises or permits the contravention, shall, on conviction, be punished—

(i) for a first offence, with fine which may extend to one thousand rupees;

(ii) for a subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees or with both.]

3[35A. (1) No person shall add to his name any title, description letters or abbreviations which imply that he holds a degree, diploma, licence or certificate as his qualification to practise any system of medicine unless—

Prohibition against addition of any title, description, etc., to name of any person, unless authorized to do so.

(a) he actually holds such degree, diploma, licence or certificate; and

(b) such degree, diploma, licence or certificate—

(i) is recognised by any law for the time being in force in India or in any part thereof, or

(ii) has been conferred, granted or issued by a body or institution referred to in section 35, or

(iii) has been recognised by the Medical Council of India, or

(iv) in cases not falling under sub-clause (i), (ii) or (iii) has been conferred, granted or issued by an authority empowered or recognised as competent, by the ⁴[State] Government to confer, grant or issue such degree, diploma, licence or certificate.

5[(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished—

(i) for a first offence, with fine which may extend to five hundred rupees;

(ii) for a subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.]

¹ This portion was inserted by Bom. 48 of 1951, s. 40, Sch. II. This amendment will come into force from the date on which the register shall be given in the custody of the Board under section 20 of Bom. 48 of 1951.

² Sub-section (2) was substituted for the original, *ibid.*, s. 3.

³ This section was inserted by Bom. 33 of 1949, s. 34.

⁴ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁵ Sub-section (2) was substituted for the original by Bom. 13 of 1953, s. 4.

Saving.

36. Nothing in sections 32 and 34 shall apply to any person—

(a) who limits his practice to the art of dentistry, or

(b) who being a nurse, midwife or health visitor registered under the Bombay Bom. Nurses, Midwives and Health Visitors Registration Act, 1935, or a Dai attends VII of 1935. on a case of labour, or

1* * * * *

(c) who practises ²[any] ³[* * *] * therapeutical system other than the system of the Western Medical Science or the ⁴[Ayurvedic system of medicine or the ⁵[Unani] system of medicine] ⁶[or the Homoeopathic system of medicine], provided that such person—

(i) has undergone a course of training in homoeopathy ⁷[or such other therapeutical system] for such period and in such institutions as may be prescribed by the ⁷[State] Government and has passed an examination as may be prescribed by the ⁷[State] Government; and

(ii) does not hold a degree, diploma or licence which is a colourable imitation of a degree, diploma or licence entitling any person to practise Western Medical Science under the Indian Medical Degrees Act, 1916, ⁸[or the Ayurvedic VII of 1916. System of Medicine or the ⁵[Unani] system of medicine or the Homoeopathic 1916. system of medicine.]

Liberty to practise in rural areas.

37. Notwithstanding anything contained in this Part, a person may practise medicine in any rural area—

(i) if he has commenced practice in any village in the said area prior to a date Bom. on which a practitioner registered under Part II of this Act or under the Bombay VI of 1912. Medical Act, 1912, ⁹[or under the Bombay Homoeopathic Act, 1951,] has 1912. commenced and is in regular practice of medicine in the said village, and Bom. XLV-III of 1951.

(ii) so long as he continues to practise in the said village as his principal 1951. place of practice.

Explanation.—For the purposes of this section, “rural area” means an area which is not within the limit of a municipality, cantonment or notified area committee.

Court competent to try offences under this Act and cognizance of offences.

38. (1) No Court other than the Court of a Presidency Magistrate or of a Magistrate of the First Class shall take cognizance of or try an offence under this Act.

(2) No Court shall take cognizance of any offence under this Act except on a complaint in writing of an officer empowered by the ⁷[State] Government in this behalf.

¹ Clauses (c) and (d) were deleted by Bom. 33 of 1949, s. 35.

² This word was substituted for the words “homoeopathy or any other” by Bom. 48 of 1951, s. 40, Sch. II. See also foot-note 6.

³ These words were inserted by Bom. 33 of 1949, s. 35.

⁴ These words were substituted for the words “Indian System of Medicine” by Bom. 5 of 1950, s. 7.

⁵ This word was substituted for the words “Unani Tibbi” by Bom. 61 of 1954, s. 2.

⁶ This portion was inserted by Bom. 48 of 1951, s. 40, Sch. II. This amendment will come into force from the date on which the register shall be given in the custody of the Board under section 20 of Bom. 48 of 1951.

⁷ This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950,

⁸ See now Bombay Nurses, Midwives and Health Visitors Act, 1954 (Bom. XIV of 1954).

39. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act, rules or regulations. Indemnity to persons acting under the Act.

¹[SCHEDULE.]

(1) Ayurvedvisharad (D. A. S. F.) of the State Faculty for Ayurvedic System of Medicine.

(2) Mahire-tib-o-Jarahat (D. U. S. F.) of the State Faculty for Unani System of Medicine.

(3) Mahire-tib-o-Jarahat of the Board of Examiners in Unani obtained during 1942 and 1943.

(4) Ayurvedidya-visharad of the Tilak Maharashtra Vidyapeeth, Poona, before 1944.

(5) Ayurvedteerth of Ayurved Mahavidyalaya, Ahmednagar, held before 1942.

(6) Ayurvedvisharad of Aryangla Vaidyak Mahavidyalaya, Satara, before 1942.

(7) Grihit Ayurvedshastra (L.A.M.) of U. P. Ayurved Mahavidyalaya, Patan (Baroda State), before 1942.

(8) Ayurvedacharya either with Medicine and Surgery or with Modern Medicine and Surgery of the Benares Hindu University, Benares.

(9) Fazil-e-tib-o-Jarahat and Kamile-e-tib-o-Jarahat of the Ayurvedic and Unani Tibbi College, Delhi.

(10) Licentiate of Indian Medicine of the Board of Examiners in Indian Medicine, Madras.

(11) Ayurvedidya Parangat of the Tilak Maharashtra Vidyapeeth.]

²[(12) Ayurvedalankar of Gurukul University, Kangri]

³[(13) Graduate in Faculty of Ayurvedic Medicine]

¹ This Schedule was inserted by Bom. 33 of 1949, s. 38.

² This entry was inserted by G. N., L. S. G. & P. H. D., No. 4624/33, dated the 26th May 1953.

³ This entry was inserted by G. N., L. S. G. & P. H. D., No. 4614/33, dated the 4th June 1953.

THE BOMBAY LAND IMPROVEMENT SCHEMES ACT, 1942.

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†BOMBAY ACT No. XXVIII OF 1942.¹

[THE BOMBAY LAND IMPROVEMENT SCHEMES ACT, 1942.]

[25th January 1943]

Amended by Bom. 3 of 1944.†

" " " 7 of 1945.†²

" " " 73 of 1948.

" " " 38 of 1949.

Repealed in part and amended by Bom. 53 of 1949.

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 8 of 1953.

" " " 51 of 1954.

An Act to provide for the making and execution of schemes relating to the construction of tanks, embankments and other works, the prohibition and control of grazing for the purposes of preservation of soil, prevention of soil erosion, improvement of water supply and other matters in order thereby to protect and improve lands and crops in the Province of Bombay and for charging certain expenditure on the revenues of the Province.

WHEREAS it is expedient to provide for the making and execution of schemes relating to the construction of tanks, embankments and other works, the prohibition and control of grazing for the purposes of preservation of soil, prevention of soil erosion, improvement of water supply and other matters in order thereby to protect and improve lands and crops in the Province of Bombay and for charging certain expenditure on the revenues of the Province ;

26
Geo. 5,
ch. 2. AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Bombay Land Improvement Schemes Act, 1942. Short title, extent and commencement.

(2) It shall extend to the whole of the ³[State] of Bombay.

(3) It shall come into force in such area and on such date as the ⁴[State] Government may, by notification in the *Official Gazette*, direct.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(1) " Board " means a Board constituted under section 3.

⁵[(2) " Director of Agriculture " means the officer appointed for the time being to be the Director of Agriculture and includes any officer appointed by the ⁴[State] Government to perform the duties of the Director of Agriculture under this Act.

(2A) " Divisional Soil Conservation Officer " means the officer appointed for the time being to be the Divisional Soil Conservation Officer.

†These Acts were repealed and re-enacted by Bom. 29 of 1948, s. 2.

¹ For Statement, see *Bombay Government Gazette*, 1943, Part IV, page 44.

² For retrospective operation of this Act, see sec. 22, Bom. 7 of 1945.

³ This word was substituted for the word " Province " by the Adaptation of Laws Order, 1950.

⁴ This word was substituted for the word " Provincial ", *ibid.*

⁵ Clauses (2), (2A) and (2B) were substituted for clause (2) by Bom. 73 of 1948, s. 2.

(2B) "District Agricultural Officer" means the officer appointed for the time being to be the District Agricultural Officer.]

¹[(2C) "Executing Officer" means an officer appointed by the Board under sub-section (I) of section 11].

(3) "Inquiry Officer" means an officer appointed as such by the Board.

(4) "Owner" includes an owner in severalty, in common or joint, an occupant Bom. as defined in the Bombay Land Revenue Code, 1879, a privileged occupant as V of defined in the Khoti Settlement Act, 1880, ²[a tenant] and a mortgagee in posses- 1879. sion ³[and the expressions "owning" and "own" shall be construed accordingly.] Bom. I of 1880.

(5) "Prescribed" means prescribed by rules made under this Act.

* * * * *

(7) "Scheme" means a land improvement scheme prepared under this Act.

⁵[(7A) "Soil Conservation Officer" means the officer appointed for the time being to be the Soil Conservation Officer.

(7B) "Tenant" means an agriculturist who holds land on lease and includes a person lawfully cultivating any land belonging to another person if such land is not cultivated personally by the owner and if such person is not—

(a) a member of the owner's family, or

(b) a servant on wages payable in cash or kind but not in crop share or a hired labourer cultivating the land under the personal supervision of the owner or any member of the owner's family.

Explanation.—A person shall not be deemed to be a tenant under this Act if such person has been on an application made by the owner of the land as provided under section 2A of the Bombay Tenancy Act, 1939, declared by a competent authority not to be a tenant.]

(8) The words and expressions used in this Act, but not defined, shall have the meaning assigned to them in the Bombay Land Revenue Code, 1879.

Bom.
XXIX
of
1939.

Bom.
V of
1879.

CHAPTER II.

CONSTITUTION OF BOARDS AND PREPARATION OF LAND IMPROVEMENT SCHEMES.

Constitution
of Boards.

3. ⁶[(1) The ⁷[State] Government shall constitute in each district a Board consisting of the Collector, the District Agricultural Officer, the Divisional Soil Conservation Officer and such non-official persons not exceeding two as may be appointed by the ⁷[State] Government.

(1A) The Divisional Soil Conservation Officer shall be the Secretary of the Board.]

(2) If there is a difference of opinion among the members of the Board regarding any question under the provisions of this Act the decision of the majority of the members shall prevail.

¹ Clause (2A) which was renumbered as clause (2C) by Bom. 73 of 1948, s. 2(b), was inserted by Bom. 7 of 1945, s. 2(a), read with Bom. 29 of 1948, s. 2.

² These words were substituted for the original by Bom. 73 of 1948, s. 2(c).

³ These words were added, *ibid.*

⁴ Clause (5) was deleted by Bom. 53 of 1949, s. 2, First Schedule.

⁵ Clauses (7A) and (7B) were inserted by Bom. 73 of 1948, s. 2(d).

⁶ Sub-sections (1) and (1A) were substituted for sub-section (1), *ibid.* s. 3.

⁷ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(4) On receipt of such notice, the Executing Officer shall inform the owner of the works which are to be carried out in his land, and shall fix the date before which the owner shall carry out the works.

(5) If such owner fails to carry out any work to the satisfaction of the Executing Officer before the date fixed by him or at any time expresses in writing to the Executing Officer his inability to do so, the Executing Officer may himself get the work carried out and the expenses incurred by the Executing Officer for the purpose shall be recovered from the owner.

(6) Where the owner of any land included in the scheme is the ¹[Government], the Department of Government which has the control or management of such land, or the Executing Officer directed in this behalf by the Board or the ²[State] Government, as the case may be, shall carry out the works which the ¹[Government] is liable to carry out under the scheme.]

12. (1) If, in consequence of any work carried out ³* * * * ⁴ * Liability of persons whose land are not included in scheme to contribution. under the scheme ⁵[any person, including the ¹[Government] other than the owner of the land in which the work is done,] is likely to be benefited, he shall pay such amount ⁶[as the ²[State] Government may determine as contribution to the owner of the land, if the work has been carried out by the owner, or to the ²[State] Government, if the work has been carried out by the Executing Officer] :

Provided that the ²[State] Government may excuse payment of such contribution in whole or in part in respect of any work carried out by it ⁷[in land belonging to the ¹[Government].

⁷[(2) The amount shall be paid within such time as may be specified by the ²[State Government].

⁸[12A. Any person who contravenes or causes any contravention of any of the provisions of a scheme which has come into force under section 10, or any of the regulations made under section 10A, or does any act which causes damage to any of the works carried out under the scheme, or fails to fulfil any liability imposed upon him under section 13 or sub-section ⁹[(4)] of section 25 ¹⁰[or of section 25A] shall, on conviction, be punishable with fine which may extend to fifty rupees or with simple imprisonment for a period which may extend to one month, or with both.]

CHAPTER IV.

MAINTENANCE, REPAIR AND USE OF WORKS CARRIED OUT UNDER THE SCHEME.

¹¹[13. (1) The Executing Officer shall prepare a statement giving for any specified area the following particulars—

- (a) (i) the work done ;
- (ii) the cost thereof ;
- (iii) the total amount to be recovered from the owners ;

¹ This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

² This word was substituted for the word "Provincial", *ibid.*

³ The words "by the owner of any land" were deleted by Bom. 7 of 1945, s. 11(i), read with Bom. 29 of 1948, s. 2.

⁴ These words were substituted for the words "any other person, including the Crown", *ibid.*, s. 11 (ii).

⁵ These words were substituted for the words "to the owner of the land as contribution as the Board may determine" by Bom. 73 of 1948, s. 7 (a).

⁶ These words were inserted by Bom. 7 of 1945, s. 11 (iv), read with Bom. 29 of 1948, s. 2.

⁷ This sub-section was substituted for the original by Bom. 73 of 1948, s. 7 (b).

⁸ This section was inserted by Bom. 3 of 1944, s. 3, read with Bom. 29 of 1948, s. 2.

⁹ The brackets and figure "(4)" were substituted for the brackets and figure "(5)" by Bom. 7 of 1945, s. 12, read with Bom. 29 of 1948, s. 2.

¹⁰ The words, figures and letter "or of section 25A" were inserted by Bom. 51 of 1954, s. 2.

¹¹ This section was substituted for the original, by Bom. 7 of 1945, s. 13.

(iv) the general rate per acre or per rupee of assessment per annum at which such amount is to be recovered from the owners ;

(v) the period within which such amount is to be recovered ;

¹[(vi) the work which, in his opinion, shall be maintained and repaired individually or jointly and the names of such person or persons ;]

(b) If in the case of any survey number or sub-division of a survey number the owner is not liable to maintain or repair works therein, or if the cost is to be recovered from an owner at a rate other than the general rate, a list of such survey numbers or sub-divisions, and the rate at which the cost is to be recovered from the owner of such survey numbers or sub-divisions ;

(c) a map showing the work carried out in the village ;

(d) such other matters as may be prescribed.

(2) When the statement is prepared under this section any rights and liabilities shown therein shall be entered in the record of rights maintained under Chapter X-A of the Bombay Land Revenue Code, 1879, and in the village accounts in such manner as the ²[State] Government may prescribe and shall thereupon form part of such record of rights and of the village accounts.] Bom. V of 1879.

Obligation of persons to maintain and repair works.

³[14. (1) Every person shown in the statement prepared under section 13 as liable to maintain and repair work shall, to the satisfaction of ⁴[the Divisional Soil Conservation Officer] and within such time as the said officer may fix, maintain and repair the work in his own land and in any other land in respect of which he is shown as liable in the said statement.

(2) If such person fails to maintain or repair the work within the time fixed by ⁴[the Divisional Soil Conservation Officer] under sub-section (1), ⁴[the Divisional Soil Conservation Officer] shall himself get the work maintained or repaired and the cost of so doing shall be recovered from the person.]

⁵[(3) If ⁴[the Divisional Soil Conservation Officer] is of opinion that an emergency has arisen and that the immediate repair of any work referred to in sub-section (1) is necessary in the general interest, he shall carry out such repair and the cost of such repair shall be paid by the owner of the land on which the repair has been] carried out.

(4) ⁴[The Divisional Soil Conservation Officer] shall, as soon as practicable, make report to the ²[State] Government regarding such repair.]

CHAPTER V.

MISCELLANEOUS.

Payment and recovery of amount.

⁶[15. Any amount or instalment thereof payable under section 11, 12 ⁷[or 14] which is not paid on the date when it becomes due under this Act shall be deemed to be an arrear of land revenue due on account of the land for the benefit of which the scheme has been sanctioned under this Act or the work is or repairs are carried out and shall be recoverable as such arrear by any of the methods specified in section 150 of the Bombay Land Revenue Code, 1879.]

Bom.
v of
1879.

¹ This clause was substituted for the original by Bom. 73 of 1948, s. 8.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ This section was substituted for the original by Bom. 7 of 1945, s. 14, read with Bom. 29 of 1948, s. 2.

⁴ These words were substituted for the words "the Land Improvement Officer" by Bom. 53 of 1949, s. 3, Second Schedule.

⁵ These sub-sections were added by Bom. 73 of 1948, s. 9.

⁶ This section was substituted for the original, *ibid.*, s. 10.

⁷ The word and figures "or 14" were substituted for the figures, word and letter "14 or 25A" by Bom. 8 of 1953, s. 2.

16. For the purpose of preparing, sanctioning or executing any scheme ¹[or Right of repairing or maintaining any works under any scheme], any person authorised by ²[the Board, the Collector] or ³[the Divisional Soil Conservation Officer] may, after giving such notice as may be prescribed to the owner, occupier or other person interested in any land, enter upon, survey and mark out such land, and do all acts necessary for such purpose.

Bom. V of 1879. 17. (1) Any authority other than a Board empowered under this Act to make an inquiry shall make the inquiry in the manner provided for holding a summary inquiry under the Bombay Land Revenue Code, 1879, and all the provisions contained in the said Code relating to the holding of a summary inquiry shall, so far as may be, apply. Inquiries to be held summarily.

Bom. V of 1879. (2) Such authority as well as a Board shall have the same powers for summoning and enforcing the attendance of any person and examining him on oath and compelling the production of documents as are vested in the revenue officers under the Bombay Land Revenue Code, 1879.

18. Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the owner of any land included in a scheme to enhance the rent payable by a tenant of the land by such amount and subject to such conditions as may be prescribed. Permission to owners to increase rent on account of improvements effected.

XVI of 1908. 19. (1) Nothing in the Indian Registration Act, 1908, shall be deemed to require the registration of any document, plan, or map prepared, made or sanctioned in connection with a scheme which has come into force. Registration of document, plan or map in connection with land improvement scheme not required.

XVI of 1908. (2) All such documents, plans and maps shall, for the purpose of sections 48 and 49 of the Indian Registration Act, 1908, be deemed to be registered in accordance with the provisions of that Act:

Provided that documents, plans and maps relating to the sanctioned scheme shall be accessible to the public in the manner prescribed.

20. [Delegation of powers by Provincial Government.] Rep. by Bom. 7 of 1945, s. 16, read with Bom. 29 of 1948, s. 2.

⁴[21. The ⁵[State] Government and subject to the control of the ⁶[State] Government the Collector or ³[the Divisional Soil Conservation Officer] may delegate to any officer any of the powers conferred on it or him or any of] the functions to be performed by it or him by or under this Act.] Delegation.

22. The members and Secretary of a Board, the Inquiry Officer and any officer or person authorised or appointed by the Board, the Collector, ³[the Divisional Soil Conservation Officer] or the ⁵[State] Government under sub-section (2) of section 4, sub-section (1) of section 11, ⁶* * * * ⁷[section 21] or sub-section (2) of section 25, as the case may be, shall be deemed to be public servants within the meaning of the Indian Penal Code. Certain officers to be public servants.

XLV of 1860.

¹ These words were inserted by Bom. 7 of 1945, s. 15 (i), read with Bom. 29 of 1948, s. 2.

² These words were substituted for the words "the Board or the Collector", *ibid.*, s. 15 (ii).

³ These words were substituted for the words "the Land Improvement Officer" by Bom. 53 of 1949, s. 3, Second Schedule.

⁴ This section was substituted for the original by Bom. 73 of 1948, s. 11.

⁵ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁶ The words, brackets and figures "sub-section (2) of section 12" were deleted by Bom. 53 of 1949, s. 2, First Schedule.

⁷ The word and figures "section 21" were inserted by Bom. 73 of 1948, s. 18.

Protection of persons acting in good faith and limitation of suits and prosecutions.

23. (1) No suit, prosecution or other legal proceedings shall be instituted against any public servant or person duly authorised under this Act in respect of anything in good faith done or intended to be done under this Act or the rules made thereunder.

(2) No suit or prosecution shall be instituted against any public servant or person duly authorised under this Act in respect of anything done or intended to be done, under this Act, unless the suit or prosecution has been instituted within six months from the date of the act complained of.

Power to make rules.

24. (1) The ¹[State] Government may, by notification published in the *Official Gazette*, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made to determine the following matters, namely :—

²[(i) the matters to be prescribed under clause (ix) of sub-section (1) and clause (v) of sub-section (2) of section 4 ;

(ii) the matters to be prescribed under clause (d) of sub-section (1) of section 13 ;

(iii) the manner in which the rights and liabilities shown in the statement prepared under section 13 shall be entered in the record of rights maintained under Chapter X-A of the Bombay Land Revenue Code, 1879, and in the village accounts under sub-section (2) of section 13 ;

(iv) the manner of giving notice under section 16 ;

(v) the manner in which documents, plans and maps shall be made accessible to the public under section 19 ;

Bom.
V of
1879.

3* * * * *

4* * * * *

(3) The rules made under this section shall be subject to the condition of previous publication.

Power of State Government to direct preparation of scheme in certain circumstances.

⁵[25. (1) Notwithstanding anything contained in this Act, the State Government may direct the preparation of a scheme providing for any of the matters specified in sub-section (1) of section 4 in any area in the following cases, namely :—

(i) where the State Government or any trust contributes not less than 25 per cent. of the cost of the scheme ;

(ii) if any person or authority is willing to contribute not less than 25 per cent. of the estimated cost of the scheme ;

6* * * * *

(iv) if in the opinion of the State Government land improvement is necessary in the interest of any persons who are members of the armed forces of the Union or who were such members and have retired or the dependants of such persons ;

or

(v) if in the opinion of the State Government the scheme is necessary in the interest of the public.

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

² Clauses (i) to (vi) were substituted for the original clauses (i) to (viii) by Bom. 7 of 1945, s. 19, read with Bom. 29 of 1948, s. 2.

³ Clause (vi) was deleted by Bom. 8 of 1953, s. 3.

⁴ Clause (viii) inserted by Bom. 3 of 1944, s. 5 (2), was repealed by Bom. 7 of 1945, s. 19, read with Bom. 29 of 1948, s. 2.

⁵ Section 25 was substituted for the original sections 25 and 25A by Bom. 8 of 1953, s. 4.

⁶ Clause (iii) was deleted by Bom. 51 of 1954, s. 3.

(2) Along with such direction or any time thereafter, the State Government may authorize the Board to appoint an officer to prepare, in accordance with such instructions as the Board may issue, a draft scheme containing the particulars specified in sub-section (2) of section 4. The officer so appointed shall prepare a draft scheme accordingly and submit it to the Board for approval.

(3) After the scheme is submitted to the Board for approval under sub-section (2), the provisions of section 5 and the sections following the said section and the rules made under section 24 shall, so far as they can be made applicable, apply in respect of such scheme.

(4) Notwithstanding anything contained in sub-section (3), the owner of the land in which any work has been carried out for the purposes of a scheme under this section be liable, pending the preparation of the statement under section 13 to maintain the work to the satisfaction of the Divisional Soil Conservation Officer and repair it to his satisfaction within such time as he may fix.

The provisions of sub-section (2) of section 14 shall apply in respect of the owner's liability under this sub-section.]

[25A: (1) Notwithstanding anything contained in this Act, if the State Government is of opinion that a state of famine or scarcity prevails or is likely to prevail in any area, it may make a declaration to that effect. Such declaration shall be published in the *Official Gazette*. On the publication of such declaration, the State Government may direct the Collector to appoint an officer as the Executing Officer for the purpose of immediately constructing embankments in such villages as may be specified. Such direction shall also require the Board to prepare a scheme providing for matters specified in clauses (i) and (ii) of sub-section (1) of section 4 or any other matters specified in sub-section (1) of that section in such villages.

Power of State Government to direct preparation and execution of scheme in area declared to be famine or scarcity area.

(2) On the issue of a direction under sub-section (1), the Board shall ask the Executing Officer to prepare a draft scheme, including therein all the works undertaken by him under sub-section (1), and other works in accordance with such instructions as the Board may issue, containing the particulars specified in sub-section (2) of section 4. Such Executing Officer shall prepare a draft scheme accordingly and submit it to the Board for its approval.

(3) The draft scheme submitted to the Board may be approved by it without modification, or with such modification as shall not affect the work carried out by the Executing Officer under sub-section (1). The scheme so approved by the Board shall be published in the *Official Gazette* and in the village in which the lands included in the scheme are situate. On the date on which the scheme is published in the village, it shall come into force and shall have effect as if it were enacted in this Act. The provisions of section 10A and the sections following the said section and the rules made under section 24 shall, so far as they can be made applicable, apply in respect of such scheme as if it were a scheme which has come into force under section 10.

(4) Notwithstanding anything contained in sub-section (3), the owner of the land in which any work has been carried out for the purposes of a scheme under this section shall be liable, pending the preparation of the statement under section 13, to maintain the work to the satisfaction of the Divisional Soil Conservation Officer and repair it to his satisfaction within such time as he may fix and the provisions of sub-section (2) of section 14 shall apply in respect of the owner's liability under this section.

¹ Sections 25A and 25B were inserted by Bom. 51 of 1954, s. 4.

Power to
revoke
scheme.

25B. If upon an application made by the Board, the State Government is satisfied that it is necessary so to do, the State Government may, at any time, by notification in the *Official Gazette*, revoke any scheme after it has come into force and upon such revocation the provisions of this Act, except section 15, shall cease to apply to such scheme. Such notification shall also be published in the village and at the headquarters of the taluka or mahal and of the district in which the lands included in such scheme are situate.]

Expenditure
incurred by
[State]
Government
to be charged
on revenues
of [State].

26. The expenditure incurred by the ¹[State] Government in pursuance of anything done under this Act shall be charged on the revenues of the ²[State].

Savings.

³[27. All Boards constituted for a division under section 3 shall be dissolved on the day on which the new Boards shall be constituted under section 3 as amended by the Bombay Land Improvement Schemes (Amendment) Act, 1948 :

Bom.
LXX-
III of
1948.

Provided that any direction issued, appointments made, scheme sanctioned, regulation made and all things done by the first mentioned Board shall be deemed to have been lawfully issued, made, sanctioned or done and any scheme so sanctioned shall be executed by the new Board constituted as aforesaid in the district in which the land in respect of which such scheme is made is situate :

• Provided further that if such land is situate within the limits of more than one district the ¹[State] Government shall decide which of the Boards shall execute the scheme in respect thereof.

Validation of
constitution
and acts of
Board.

28. Notwithstanding anything contained in this Act, the Board constituted, any directions issued, appointments made, scheme approved, regulations made and all things done by or on behalf of the Board, before the date on which the Bombay Land Improvement Schemes (Amendment) Act, 1948, came into force shall be deemed to be and to have always been validly constituted, issued, made, approved or done and shall not be deemed to have been invalidly constituted, issued, made, approved or done by reason only of the fact that the Agricultural Commissioner or the Director of Agricultural Engineering acted as a member of the Board before the said date.

Bom.
LXX-
III of
1948.

Saving of
Khar lands.

29. Nothing in this Act shall apply to Khar lands in respect of which a scheme is or has been sanctioned under the Bombay Khar Lands Act, 1948.]

Bom.
LXX-
III of
1948.

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

² This word was substituted for the word "Province", *ibid.*

³ Sections 27, 28 and 29 were added by Bom. 73 of 1948, s. 13.

BOMBAY ACT No. XXII OF 1946.¹

[THE BOMBAY ESSENTIAL COMMODITIES AND CATTLE (CONTROL)
ACT, 1946.]

[30th September, 1946]

Amended by Bom. 7 of 1948.

" " " 47 of 1948.

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 30 of 1950.

" " " 37 of 1951.

" " " 23 of 1952.

" " " 43 of 1954.

An Act to provide for the control and regulation of the production, movement, supply and distribution of, trade and commerce in, essential commodities, and the maintenance and movement of cattle.

WHEREAS it is expedient to provide for the control and regulation of the production, movement, supply and distribution of certain commodities essential to the life of the community, and for the control and regulation of trade and commerce therein, and for the maintenance, licensing and movement of cattle, and the licensing of dealers in such commodities and cattle, and for certain other purposes; It is hereby enacted as follows:—

1. (1) This Act may be called the Bombay Essential Commodities and Cattle (Control) Act, 1946. Short title,
extent, com-
mencement
and duration.

(2) It extends to the whole of the ²[State] of Bombay.

(3) It shall come into force on the first day of October 1946.

(4) It shall remain in force for a period of ³[eleven] years.

2. In this Act, unless there is anything repugnant in the subject or context— Definitions.

(1) "cattle" means any of the animals specified in Schedule II;

(2) "essential commodity" means a commodity specified in Schedule I;

(3) "notified order" means an order notified in the *Official Gazette*.

3. The ⁴[State] Government may, by notification in the *Official Gazette*, direct additions to or omissions from either schedule whether generally or with reference to any particular area specified in the notification, and the schedule shall on the issue of the notification be deemed to be amended accordingly. Amendment
of schedules.

4. (1) The ⁴[State] Government, so far as it appears to it to be necessary or expedient for maintaining or increasing the supply or for securing the equitable distribution and availability at fair prices, of any essential commodity or cattle may, by ⁵[order] provide for— Powers to
control
production,
supply,
distribution,
etc.

(a) regulating or prohibiting the production, supply and distribution of, or trade and commerce in such essential commodity;

(b) regulating the maintenance, supply and distribution of, or trade and commerce in, cattle.

(2) Without prejudice to the generality of the powers conferred by sub-section (1) an order made thereunder may provide—

(a) for regulating by licence, permit or otherwise the production or manufacture of any essential commodity;

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1946, Pt. V, pages 223-224; and for Proceedings in Assembly, see *Bombay Legislative Assembly Debates*, 1946, Vol. IX; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1946, Vol. X.

² This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

³ This word was substituted for the word "eight" by Bom. 43 of 1954, s. 2.

⁴ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁵ This word was substituted for the words "notified order" by Bom. 37 of 1951, s. 2.

(b) for regulating by licence, permit or otherwise the storage, movement, transport, distribution, disposal, acquisition, use or consumption of any essential commodity;

(c) for prohibiting the withholding from sale of any essential commodity ordinarily kept for sale;

(d) for requiring any person holding stocks of an essential commodity to sell them at specified prices to a specified person or class of persons or in specified circumstances;

(e) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters;

(f) for controlling the prices at which any essential commodity or cattle may be brought or sold;

(g) for regulating by licence, permit or otherwise the movement, transport, distribution, disposal, acquisition, use and keeping of cattle;

(h) for requiring persons engaged in the production, supply or distribution of, trade or commerce in, any essential commodity or cattle—

(i) to maintain,

(ii) to produce for inspection,

any books, accounts and records, relating to their business, and to furnish any information relating to such business;

(i) for requiring owners as well as persons-in-charge of milch cattle, and dealers in milk—

(i) to maintain,

(ii) to produce for inspection,

any books, accounts and records relating to the production of milk and the number of cattle owned, controlled and maintained by them;

(j) for any incidental and supplementary matters, including in particular the entering and search of premises, vehicles and vessels, the seizure by a person authorised to make such search of any articles in respect of which such person has reason to believe that a contravention of the order has been, is being or is about to be committed¹ [and of any vehicle, vessel or animal which he has reason to believe has been, is being or is about to be used for carrying such articles,] the grant or issue of licences, permits or other documents, and the charging of fees therefor.

Continuation
of orders,
etc., issued
under
Defence of
India Rules.

5. Every order made under the Defence of India Rules, in respect of any essential commodity or cattle, and every appointment made, licence granted, permit issued and direction given in respect of the same under the said rules or such order, and which was in force immediately before the commencement of this Act, shall in so far as it could validly have been made, granted, issued or given as the case may be, under the provisions of this Act, be deemed to have been made, granted, issued or given thereunder.

Publication
and service
of orders.

6. (1) Every order made under section 4 shall—

(a) if it is an order of a general nature or affecting a class of persons, be published² [in the *Official Gazette*];

(b) if it is an order affecting an individual corporation or firm, be served in the manner provided for the service of a summons in Rule 2 of Order XXIX or Rule 3 of Order XXX, as the case may be, in the First Schedule of the Code of Civil Procedure, 1908;

¹ These words were inserted by Bom. 7 of 1948, s. 2.

² These words were substituted for the words "in the manner prescribed by rules made in this behalf" by Bom. 37 of 1951, s. 2.

(c) if it is an order affecting an individual person other than a corporation or firm, be served on the person—

(i) personally, by delivering or tendering to him the order, or

(ii) by post, or

(iii) where the person cannot be found, by leaving an authentic copy of the order with some adult male member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or worked for gain.

(2) Where a question arises whether a person was duly informed of an order made in pursuance of section 4, compliance with the requirements of sub-section (1) shall be conclusive proof that he was so informed; but failure to comply with the said requirements shall not preclude proof by other means that he was so informed or affect the validity of the order.

7. Any order made or deemed to be made under section 4 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act.

Effect of orders inconsistent with other enactments.

8. The ¹[State] Government may by notified order direct that the power to make orders under section 4 shall be also exercisable by such officer or authority and in relation to such matters and subject to such conditions, if any, as may be specified in the order.

Delegation of powers.

9. Any authority or person acting in pursuance of this Act shall interfere with the ordinary avocations of life and the enjoyment of property as little as may be consonant with the interest of the ²[State].

Ordinary avocations of life to be interfered with as little as possible.

10. (1) If any person contravenes any order made or deemed to be made under section 4 he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

Penalties.

(2) Any Court trying such contravention may direct that any property in respect of which the Court is satisfied that the order has been contravened ³[and any vehicle, vessel or animal which the Court is satisfied has been used with the knowledge of the person having the control thereof for carrying such property] shall be forfeited to ⁴[Government].

11. Any person who attempts to contravene, or abets a contravention of, any order made or deemed to be made under section 4, shall be deemed to have contravened that order.

Attempts etc. to contravene orders.

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

² This word was substituted for the word "Province", *ibid.*

³ These words were inserted by Bom. 7 of 1948, s. 2.

⁴ This word was substituted for the words "His Majesty" by the Adaptation of Laws Order, 1950.

Offences by corporations. 12. If the person contravening an order made or deemed to be made under section 4 is a company or other body corporate, every director, manager, secretary or other officer or agent thereof, shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

Cognizance of offences. 13. No court shall take cognizance of any offence punishable under this Act, XLV except on a report in writing of the facts constituting such offence made by a person of 1860. who is a public servant as defined in section 21 of the Indian Penal Code.

Power to try offences summarily. 14. Any Magistrate or bench of magistrates empowered for the time being to try in a summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1898, may, on application in this behalf being made by V of the prosecution, try in accordance with the provisions contained in sections 262 to 1898. 265 of the said Code any offence punishable under this Act.

Protection of action taken under Act. 15. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made or deemed to be made under section 4.

(2) No suit or other legal proceeding shall lie against the ¹[Government] for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made or deemed to be made under section 4. -

Rules. 16. ²* The ³[State] Government may, by notification in the *Official Gazette*, and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

4* * * * *

¹ This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

² The brackets and figure "(1)" were deleted by Bom. 37 of 1951, s. 4.

³ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁴ Sub-section (2) was deleted by Bom. 37 of 1951, s. 4.

SCHEDULE I.
Essential commodities.

1[1. Bricks used for building purposes.]

2* *

1[3. Charcoal excluding coke.]

24. Firewood.

2* *

4* *

4* *

2* *

4* *

10. Mowra seeds and Mowra Oil ;

4* * *

4* * *

4* * *

5* *

4* *

4* *

4* *

6* *

4* *

7[22. Molasses.]

8[Ammonia Sulphate.]

9[24. Foodstuffs other than salt, sugar, vanaspati and vegetable oils.

SCHEDULE II.

Cattle.

1. Bulls.

4. Heifers.

7. Goats.

2. Bullocks.

5. Calves.

8. Sheep.

3. Cows.

6. Buffaloes.

¹ These entries were substituted for the original by Bom. 43 of 1954, s. 3 (1).² The following essential commodities were deleted by Bom. 23 of 1952, s. 3, namely :—³ 2. Cattle feed of all kinds, including cotton-seed, hay, kadbi, green grass, oil cakes, wheat bran

4. gawar and other concentrates but excluding challa and chuni other than gram chuni.

5. Milk.

8. Cotton (whether ginned or unginned).

14. Rice husk ;"

The proviso to section 3 reads as under :—

"Provided that such deletion shall not affect the validity of any existing appointment made or deemed to have been made, order or direction issued or deemed to have been issued, licence or permit granted or deemed to have been granted or any pending proceeding commenced under the said Act with respect to control and regulation of the production, movement, supply and distribution of the aforesaid essential commodities and for the control and regulation of trade and commerce therein and any such appointment, order, direction, licence or permit shall continue in force until it is cancelled by a competent authority under any law for the time being in force and any such proceeding shall be disposed of as if the aforesaid essential commodities had not been deleted from the said Schedule."

⁴ All the existing entries after entry "3 Charcoal" were deleted and entries 4 to 20 were added by G. N., C. S. D., No. 410/II-B, dated the 11th June 1949 :—⁵ The following entries were deleted by Bom. 43 of 1954, s. 3 (2).

"6. Ready Made Clothing of all kinds.

12. Ready made Tea.

18. Timber.

13. Ready Made Coffee.

19. Lime.

7. Cement.

15. Sand.

21. Drugs as defined in clause

9. Gunnies and Twine.

16. Tiles (Mangalore Pattern).

(b) of section 3 of the Drugs Act, 1940 (XXIII of 1940)."

11. Oil Engines.

17. Asbestos cement sheets.

⁶ The entry "14. Rice Husk" was deleted by Bom. 23 of 1952, s. 3.⁷ The entry "20. Coke" was deleted by G. N., C. S. D., No. 410(2)II-B, dated the 7th March 1950.⁸ This entry was added by G. N., R. D., No. 3143/49, dated the 21st September 1950.⁹ This entry was added by G. N., C. S. D., No. 410/II-B, dated the 31st March 1952.¹⁰ This entry was added by G. N., C. S. D., 719/117/II-A dated the 24th January 1955.

BOMBAY ACT No. LVII OF 1947.¹[THE BOMBAY RENTS, HOTEL AND LODGING HOUSE RATES,
CONTROL ACT, 1947.]

[19th January 1948]

Amended by Bom. 36 of 1948.

" " " 3 of 1949.

" " " 53 of 1949.

" " " 58 of 1949.*

" " " 59 of 1949.

" " " 16 of 1950.

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 53 of 1950.

" " " 42 of 1951.

" " " 43 of 1951.

" " " 15 of 1952.

" " " 4 of 1953.

" " " 61 of 1953.

" " " 46 of 1954.*

An Act to amend and consolidate the law relating to the control of rents and repairs of certain premises, of rates of hotels and lodging houses and of evictions.

WHEREAS it is expedient to amend and consolidate the law relating to the control of rents and repairs of certain premises, of rates of hotels and lodging houses and of evictions; It is hereby enacted as follows :—

PART I.

Preliminary.

1. This Act may be called the Bombay Rents, Hotel and Lodging House Rates Short title. Control Act, 1947.

2. (1) Parts I and IV of this Act shall extend to the whole of the ²[State] of Extent. Bombay.

(2) Parts II and III shall extend respectively to the areas specified in Schedules I and II to this Act and shall continue to extend to any such area notwithstanding that the area ceases to be of the description therein specified.

(3) The ³[State] Government may, by notification in the *Official Gazette* extend to any other area any or all of the provisions of Part II or Part III or of both.

(4) The ³[State] Government may, at any time by like notification direct that any or all the provisions of Part II or Part III or of both, as the case may be, shall cease to extend to such area and on such date as may be specified in the notification; and on that date the said provisions shall cease to be in force in such area.

3. (1) This Act shall come into operation on such date as the ³[State] Government may, by notification in the *Official Gazette*, appoint in this behalf. ⁴Commence-
ment and
duration.

(2) It shall remain in force up to and inclusive of the 31st day of March ⁵[1959].

5*

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¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1947, Part V, page 364.

² This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

³ This word was substituted for the word "Provincial", *ibid*.

⁴ These figures were substituted for the figures "1954" by Bom. 61 of 1953, s. 2.

⁵ The proviso to sub-section (2) was deleted, *ibid*, s. 2 (2).

*Section 7 of Bom. 58 of 1949 reads as follows :—

"7. The amendments made in the said Act by the provisions of sections 4 and 5 of this Act shall Savings. not have any effect in respect of and apply to any suit or proceeding pending in any court on the date on which this Act comes into force or to execution or other proceeding arising out of any decree or order passed by any court before the date on which this Act comes into force and any such suit or proceeding shall be continued or instituted and disposed of as if this Act had not been passed."

*Section 3 of Bom. 46 of 1954 reads as follows :—

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1953.

"3. The amendment made by section 2 of this Act shall be deemed to have come into force on and Coming into force of section 2 of this Act with retrospective effect.
from the date on which the Bombay Rents, Hotel and Lodging House Rates Control (Second Amendment) Act, 1953, came into force."

(3) Section 7 of the Bombay General Clauses Act, 1904, shall apply upon the expiry of this Act or upon this Act or any provision thereof ceasing to be in force in any area, as if it had then been repealed by a Bombay Act. ^{1 of 1904.}

Exemptions.

4. (1) This Act shall not apply to any premises belonging to the Government or a local authority or apply as against the Government to any tenancy or other like relationship created by a grant from the Government in respect of premises taken on lease or requisitioned by the Government ; but it shall apply in respect of premises let to the Government or a local authority.

(2) The ¹[State] Government may direct that all or any of the provisions of this Act ²[shall not subject to such conditions and terms, as it may specify, apply generally].

³[(i) to premises used for a public purpose of a charitable nature or to any class of premises used for such purpose ;

(ii) to premises held by a public trust for a religious or charitable purpose and let at a nominal or concessional rent ; or

(iii) to premises held by a public trust for a religious or charitable purpose and administered by a local authority].

⁴[(3) The ¹[State] Government may also by order direct that all or any of the provisions of Part III shall not apply to such hostel or institution or such class of hostels or institutions, subject to such terms and conditions, if any, as may be specified in the order.]

⁵[(4) (a) The expression " premises belonging to the Government or a local authority " in sub-section (1) shall, notwithstanding anything contained in the said sub-section or in any judgment, decree or order of a court, not include a building erected on any land held by any person from the Government or a local authority under an agreement, lease or other grant, although having regard to the provisions of such agreement, lease or grant the building so erected may belong or continue to belong to the Government or the local authority, as the case may be ; and

(b) notwithstanding anything contained in section 15 such person shall be entitled to create a tenancy in respect of such building or a part thereof.]

Power of State Government to issue orders in respect of premises belonging to local authority.

⁶[4A. Notwithstanding anything contained in this Act, the State Government may from time to time by a general or special order direct that the exemption granted to a local authority under sub-section (1) of section 4 shall be subject to such conditions and terms as it may specify either generally or for special reasons in any particular case and such conditions and terms shall be applicable to the premises belonging to the local authority with effect from such date either before or after the commencement of the Bombay Rents, Hotel and Lodging House Rates Control (Second Amendment) Act, 1953, as the State Government may in its discretion determine.] ^{Bom. LXI of 1953.}

¹ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

² These words were substituted for the words " shall not apply " by Bom. 53 of 1950, s. 2.

³ This portion was substituted for the words " to premises used for a public purpose of a charitable nature or to any particular premises or class of premises used for such purpose ", by Bom. 61 of 1953, s. 3.

⁴ Sub-section (3) was added by Bom. 53 of 1950, s. 3.

⁵ Sub-section (4) was added by Bom. 4 of 1953, s. 3.

⁶ Section 4A was inserted by Bom. 61 of 1953, s. 4.

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THE BOMBAY PRIMARY EDUCATION ACT, 1947.

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(b) from a tenant who is liable to pay the same under sub-section (3) and if such amount,—

(i) is greater than the amount which the landlord is entitled to recover from the tenant under sub-section (3) the tenant shall be entitled to the refund of or to deduct the excess amount from the rent or from the next instalment of the riot tax, if any, due to the landlord, or

(ii) is less than the amount which the landlord is entitled to recover from the tenant under sub-section (3), the landlord shall be entitled to recover the difference either by the addition to the rent or to the next instalment of the riot tax, if any, due from the tenant or in any other lawful manner.]

Increase in
rent except-
ed.

¹[10C. (1) A landlord shall also be entitled to make an increase in the rent of premises referred to in column 1 which were let on or before the first day of September 1940 by an addition to the rent at the rates specified against them in column 2 below :—

1	2
(1) Residential premises the rent of which does not exceed Rs. 20 per month.	Not exceeding 5 per cent. of the standard rent.
(2) Residential premises the rent of which exceeds Rs. 20 per month but does not exceed Rs. 80 per month.	Not exceeding 7½ per cent. of the standard rent.
(3) Residential premises the rent of which exceeds Rs. 80 per month.	Not exceeding 10 per cent. of the standard rent.
(4) Non-residential premises other than those specified in items (5) and (6) below :—	
(a) the rent of which does not exceed Rs. 50 per month.	Not exceeding 7½ per cent. of the standard rent.
(b) the rent of which exceeds Rs. 50 per month.	Not exceeding 12½ per cent. of the standard rent.
² [(5) Premises interest in which is transferred under the proviso to section 15 on or after the date of the coming into force of the Bombay Rents, Hotel and Lodging House Rates Control (Second Amendment) Act, 1953, as incidental to the sale of a business together with the stock-in-trade and goodwill thereof.]	Not exceeding 25 per cent. of the standard rent.
(6) Premises used for the purposes of a cinema.	Not exceeding 50 per cent. of the standard rent.

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1953.

(2) Any increase under sub-section (1) shall not be deemed to be an increase for the purposes of section 7.

(3) Nothing contained in sub-sections (1) and (2) shall apply to premises to which this Part has been applied in the areas of the merged territories of the former State of Baroda to which this Part has been extended.

Explanation.—For the purposes of sub-section (1), the expression “premises” shall have the same meaning as is assigned to it in sub-clause (b) of clause (8) of section 5.]

¹ Sections 10C and 10D were inserted by Bom. 61 of 1953, s. 7.

² This clause was substituted for the original by Bom. 46 of 1954, s. 2.

Bom. IV of 1902. ¹[10B.* (1) Notwithstanding anything contained in sections 10 and 10A, where under sub-section (3) of section 45 of the City of Bombay Police Act, 1902, the Municipal Commissioner is required to recover any amount of compensation determined under sub-section (1) of the said section 45 in respect of any loss or damage caused to any property or in respect of death or grievous hurt caused to any person or persons at any time after the 25th day of September 1945 and an additional sum referred to in sub-section (2) of the said section 45 by an addition to the general tax, the landlord from whom such amount of compensation and additional sum, hereinafter called the amount of the riot tax, is recovered in respect of any premises shall be entitled to recover the same from the tenants of the premises, ²[liable to pay the same under sub-section (3)] subject to the following conditions, namely :—

(i) the amount of the riot tax shall be recoverable from the tenants in not less than four equal instalments ;

Bom. XVI of 1950. (ii) if the amount of the riot tax was recovered from the landlord before the date of coming into force of the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1950, such amount shall be recoverable from the tenants within one year from such date ;

Bom. XVI of 1950. (iii) if the amount of the riot tax is recovered from the landlord after the coming into force of the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1950, such amount shall be recoverable from the tenants within one year from the date of the recovery of the riot tax from the landlord ;

³[(iv) the amount of the riot tax to be recovered from each tenant shall bear the same proportion as the rent payable by him in respect of premises bears to the total amount of rent recoverable for the whole premises it let.]

(2) The recovery of any amount made by the landlord from the tenant under this section shall not be deemed to be an increase for the purposes of section 7.

⁴[(3) A tenant shall be liable to pay the amount of the riot tax if he is or was in occupation of the premises in respect of which the riot tax is payable by the landlord, on the date on which the riot took place or if the riot continued after that date during the greater part of the period of such riot. And a landlord of such premises shall be entitled to recover the amount of the riot tax from the tenant who is liable to pay the amount of riot tax under this section, notwithstanding that such tenant is not in occupation of the premises on the date on which such amount is recovered from the landlord by the Municipal Commissioner.

Explanation.—For the purposes of this sub-section, the date on which the riot took place or the period of the riot shall be the date or the period, as the case may be which the State Government may by notification in the *Official Gazette* specify in this behalf.

Bom. LIII of 1950. (4) If the amount of the riot tax has already been wholly or partly recovered by a landlord before the date of the coming into force of the Bombay Rents, Hotel and Lodging House Rates Control (Second Amendment) Act, 1950,—

(a) from a tenant who is not liable to pay the same under sub-section (3) such tenant shall be entitled to the refund of the whole or part of the amount recovered from him by the landlord or to deduct the same from the amount of the rent due by him to the landlord in respect of the premises,

¹ Section 10-B was inserted by Bom. 16 of 1950, s. 2.

² The amendments effected to section 10-B by Bom. 53 of 1950, s. 5, shall be deemed to have come into force with effect from 2-5-1950 (*vide* s. 9 of Bom. 53 of 1950).

³ These words were inserted by Bom. 53 of 1950, s. 5 (1).

⁴ Clause (iv) was substituted for the original clause (iv) and the Explanation, by Bom. 53 of 1950, s. 5(1).

⁵ Sub-section (3) was added, *ibid.*, s. 5 (2).

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BOMBAY ACT No. LXI OF 1947.¹

[THE BOMBAY PRIMARY EDUCATION ACT, 1947.]

[29th January 1948]

Amended by Bom. 8 of 1949.

" " " 46 of 1949.

" " " 8 of 1950.

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 9 of 1951.

" " " 39 of 1951.

" " " 46 of 1951.

" " " 25 of 1952.

" " " 33 of 1953.

" " " 26 of 1954.

" " " 67 of 1954.

An Act to provide for compulsory primary education and to make better provision for the management and control of primary education in the Province of Bombay.

WHEREAS it is the duty of Government to secure the development and expansion of primary education; and whereas it is the declared policy of Government that universal, free and compulsory primary education should be reached by a definite programme of progressive expansion; and whereas it is expedient to make better provision for the development, expansion, management and control of primary education in the Province of Bombay; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Bombay Primary Education Act, 1947. Short title and extent.
- (2) It extends to the whole of the ²[State] of Bombay except ³[Greater Bombay].
- (3) It shall come into force on such date as the ⁴[State] Government may, by notification in the *Official Gazette*, appoint.
2. In this Act unless there is anything repugnant in the subject or context,— Definitions.
 - (1) "Administrative Officer" means an officer appointed under section 21 or 22;
 - (2) "Approved school" means a primary school maintained by the ⁴[State] Government or by a school board or by an authorized municipality or which is for the time being recognized as such by a school board or by the ⁴[State] Government or by an officer authorized by it in this behalf;
 - (3) "Area of compulsion" means the area in which primary education up to any standard is compulsory;
 - (4) "Area of an authorized municipality" means the area comprised within the limits of such municipality and shall include the area of a non-authorized municipality approved schools in which vest in or are controlled by the authorized municipality;
 - (5) "To attend an approved school" means to be present for instruction at such school on such days and at such time and for such period on each day as may be required under the regulations framed by the school board;
 - (6) "Authorized Municipality" means a municipality which is authorised by the ⁴[State] Government under sub-section (1) of section 16 to control all approved schools within its area;

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1947, Part V, page 328; for Proceedings in Assembly, see *Bombay Legislative Assembly Debates*, 1947, Vol. XI; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1947, Vol. XIII.

² This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

³ These words were substituted for the original by Bom. 17 of 1945, s. 9, read with Bom. 8 of 1950.

⁴ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(7) "Child" means a boy or girl whose age is not less than six and not more than fourteen years at the beginning of the school year.

Explanation.—For the purposes of this definition, "school year" shall mean the year beginning with such date as the school board may, with the sanction of the Director, fix;

(8) "Director" means ¹[the Director of Education] for the ²[State] of Bombay;

(9) "District" in clause (h) of section 5, in section 6, sub-section (3) of section 10, and section 19 means the district as formed under the Bombay Land Revenue Code, 1879, and elsewhere the area comprised in a district so formed ^{Bom. V of 1879.} excluding the areas of authorized municipalities, and cantonments;

(10) "District School Board" means a school board constituted for a district under section 3;

(11) "Municipal School Board" means a school board constituted for the area of an authorized municipality under section 3;

(12) "Non-authorized Municipality" means a municipality other than an authorized municipality;

(13) "Parent" includes a guardian or any person who has the custody of a child;

(14) "Prescribed" means prescribed by the rules made under this Act;

(15) "Primary Education" means education in such subjects and up to such standards, as may be determined by the ³[State] Government from time to time;

(16) "Primary Education Fund" means the fund maintained under section 44;

(17) "Primary School" means a school or a part of a school in which primary education up to any standard is imparted;

(18) "³[State] Board of Primary Education" means the board constituted under section 58;

(19) "School Board" means a district school board or a municipal school board, as the case may be.

CHAPTER II.

CONSTITUTION OF DISTRICT AND MUNICIPAL SCHOOL BOARDS.

School
Boards.

3. (1) For each district there shall be a district school board.

(2) For each area of an authorized municipality there shall be a municipal school board.

Constitution
of school
boards.

4. (1) Each school board shall consist of members not less than twelve and not more than sixteen in number.

(2) Of these members not less than two and not more than three in number shall be appointed by the ³[State] Government.

(3) The number of members under sub-sections (1) and (2) shall be determined by the ³[State] Government from time to time.

(4) Of the members appointed by the ³[State] Government under sub-section (2) one shall be an officer of the ³[State] Government; and the remaining shall be persons (i) who shall have passed the matriculation examination or shall possess any other equivalent or higher educational qualification which the ³[State] Government may specify in this behalf or (ii) who have had "experience of the system or institutions of primary education.

(5) (a) The members other than those appointed by the ³[State] Government shall be elected by the district local board or the authorized municipality as the case may be :

¹ These words were substituted for the words "the Director of Public Instruction" by Bom. 39 of 1951, s. 3, Second Schedule.

² This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

³ This word was substituted for the word "Provincial", *ibid.*

(3) If any non-authorized municipality is at any time authorized by the ¹[State] Government to control all approved schools within its area, the said municipality shall thereafter be an authorized municipality. Thereupon all properties moveable or immovable vesting in, held by or under the control of a district school board or an authorized municipality for the purposes of primary education in such area shall vest in, be held by or be under the control of such first mentioned municipality; and all existing and future rights, liabilities, powers and duties in respect of primary school teachers and other persons employed by such district school board or authorized municipality for the purposes of primary education in such area shall also vest in and be performed or exercised by the said first mentioned municipality.

CHAPTER V.

ADMINISTRATIVE MACHINERY.

20. (1) Every district school board with the approval of the ¹[State] Government and every authorized municipality shall maintain an adequate staff of District school board, Assistant Administrative Officers, Supervisors, Attendance Officers, clerks, primary authorized municipality school teachers and inferior servants and other staff (including engineering staff), to maintain adequate as may in the opinion of the ¹[State] Government be necessary for the administration, management and control of approved schools within its area ²[or for enabling staff, pay, etc, a Primary Schools Panchayat constituted under section 36B to discharge its functions under this Act.]

(2) The staff maintained under sub-section (1) shall be servants of the district school board or of the authorized municipality as the case may be, and shall receive their pay, allowances, ³* * gratuities and pensions from its primary education fund. ⁴[Such staff maintained by a district school board shall receive their provident fund from the fund established under section 46A and the primary school teachers maintained by an authorized Municipality shall receive their provident fund from the primary education fund.]

⁵[(2A) The rates of subscriptions and contributions and other conditions of the provident fund established by the ¹[State] Government under section 46A for the members of the staff maintained by district school boards ⁶* * * shall be such as may be prescribed.]

(3) The rates of the pay and allowances and terms of employment in respect of ⁷[all the members of the staff maintained by a district school board and of the primary school teachers maintained by an authorized municipality] shall be as fixed from time to time by the ¹[State] Government.

(4) The ¹[State] Government may from time to time prescribe the duties to be performed by the staff maintained under sub-section (1).

21. (1) For every school board there shall be an Administrative Officer. He Administrative shall be the chief executive officer of the board; his powers and duties shall be as prescribed. Officer.

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

² These words, figures and letter were added by Bom. 67 of 1954, s. 2.

³ The words "provident fund" were deleted by Bom. 46 of 1951, s. 2 (1).

⁴ This portion was added by Bom. 33 of 1953, s. 2(i).

⁵ This sub-section was inserted by Bom. 46 of 1951, s. 2(2).

⁶ The words "and for the primary school teachers maintained by authorised municipalities" were deleted by Bom. 33 of 1953, s. 2(ii).

⁷ These words were substituted for the words, brackets, figures and letter "the staff and teachers referred to in sub-section (2A)", *ibid.*, s. 2(iii).

(2) The Administrative Officer shall be appointed by and shall be a servant of the ¹[State] Government. He shall draw his pay and allowances from the ¹[State] revenues.

Delegation of power to appoint Administrative Officer to certain authorized municipalities. **22.** (1) Notwithstanding the provisions of section 21, the ¹[State] Government may by notification in the *Official Gazette* delegate the power to appoint an Administrative Officer to an authorized municipality which is a municipality constituted under the Bombay Municipal Boroughs Act, 1925, and the annual expenditure of which on primary education is not less than Rs. 1,00,000 for three financial years immediately preceding the date of the notification. The Administrative Officer so appointed shall be the servant of the authorized municipality and shall draw his pay, allowances, provident fund, gratuity and pension from its primary education fund. ^{XVIII of 1925.}

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

32. In every area of compulsion, the parent of every child to whom a scheme applies shall in the absence of a reasonable excuse as hereinafter provided and if such parent and child ordinarily reside in such area cause such child to attend an approved school in such area.

Duty of parent to cause children to attend school.

33. A parent shall be deemed to have a reasonable excuse for failure to cause a child to attend an approved school in any of the following cases :—

Meaning of reasonable excuse.

(a) where the child is prevented from attending school by sickness, infirmity or other unavoidable cause ;

(b) where the child is receiving, otherwise than in an approved school, instruction which in the opinion of the school board is efficient or has received from the school board a certificate of having already completed his primary education up to the standard included in the scheme ;

(c) where there is no approved school within the distance fixed by the school board under section 13 or 18, as the case may be ;

(d) where after due application, entrance to an approved school has been refused to the child and there is no other approved school to which he can be admitted within the distance fixed under section 13 or 18, as the case may be, until such time as the parent is notified by the Administrative Officer that the child can be admitted ;

(e) where there is no approved school in the locality in which instruction is given in the language spoken by the child ;

(f) where there is no approved school in the locality to which the parent can send the child without exposing him to religious instruction to which the parent objects.

34. (1) Where the school board is satisfied that the parent of any child who is bound under the provisions of section 32 to cause such child to attend an approved school, has failed to do so, the school board after giving the parent an opportunity of being heard and after such inquiry as it considers necessary may make an order directing the parent to cause such child to attend an approved school on and from a date which shall be specified in the order.

Issue of attendance order.

(2) This power may be delegated by the school board to any of its members or to the Administrative Officer or other officer of the school board.

(3) Any parent aggrieved by an order made under sub-section (1) may, within thirty days from the date of such order, appeal to the Educational Inspector of the division who may confirm or rescind the order as he deems fit.

35. (1) If an order with reference to a child has been made under sub-section (1) of section 34 against any parent and if such parent fails to comply with the provisions of section 32 with respect to such child on or after the date specified in such order, unless such order is rescinded in an appeal made under sub-section (3) of the said section 34, such parent shall, on conviction, be punished with fine not exceeding two rupees ; and in case such failure continues after such conviction, he shall also be punished with fine of eight annas for every day on which the failure continues or is repeated.

Penalty for failure to cause child to attend approved school.

(2) No court shall take cognizance of an offence under sub-section (1) except on [a complaint presented in person or sent by registered post] by the Administrative Officer or any other officer authorised by him in this behalf].

¹ Section 35 was substituted for the original by Bom. 25 of 1952, s. 6.

² These words were substituted for the words " the complaint filed " by Bom. 67 of 1954, s. 3.

Penalty for employing child to whom scheme applies.

36. (1) Whoever knowingly takes into his employment, either on his own behalf or on behalf of any person, any child in respect of whom the provisions of section 32 apply, so as to interfere with the education or instruction of such child shall, on conviction, be liable to a fine not exceeding twenty-five rupees.

(2) No court shall take cognizance of an offence under this section except on ¹[a complaint presented in person or sent by registered post by] the Administrative Officer or any other officer authorized by him in this behalf, and before making any complaint under this section against any person the Administrative Officer or such officer shall unless such person has been previously convicted under sub-section (1) cause a warning to be given to such person.

Courts competent to try offences under sections 35 and 36.

²**36A.** For the purpose of taking cognizance of an offence under sub-section (1) of section 35 against a parent or against a person under sub-section (1) of section 36,

(1) if such parent or person resides in a town or village where a judicial Magistrate holds his court, the court of such Magistrate,

(2) if such parent or person resides within the limits of the jurisdiction of a nyaya panchayat which has been empowered to take cognizance of and try such offence under sub-section (2) of section 37 read with clause (f) of section 41 of the Bombay Village Panchayats Act, 1933, such nyaya panchayat, and

(3) if such parent or person resides elsewhere, the Primary Schools Panchayat constituted under section 36B within the limits of the jurisdiction of which such parent or person resides,

Bom. VI of 1933.

shall be the court competent to take cognizance of such offence.

Constitution of Primary Schools Panchayat; its powers and procedure.

36B. (1) The State Government may by notification in the *Official Gazette* constitute a Primary Schools Panchayat for the trial of offences punishable under sections 35 and 36 in the areas referred to in clause (3) of section 36A.

(2) The Primary Schools Panchayat constituted under sub-section (1) shall consist of three members appointed by the State Government one of whom shall be the Chairman. The qualifications of the members shall be such as may be prescribed. The members so appointed shall hold office during the pleasure of the State Government.

(3) Two members shall form a quorum for the disposal of the business of the Primary Schools Panchayat.

(4) Any vacancy of the member of the Primary Schools Panchayat shall be filled in as early as practicable :

Provided that during any such vacancy the continuing members may act as if no vacancy had occurred.

(5) The Primary Schools Panchayat shall, except as otherwise provided in this Act, in respect of cases relating to an offence punishable under section 35 or section 36, have the same powers and shall follow the same procedure as is followed by a nyaya panchayat in respect of such offence under Chapters VI, VII and VIII of the Bombay Village Panchayats Act, 1933, and the provisions of the said Chapters shall *mutatis mutandis* apply in respect of such cases. The court of the judicial Magistrate taking cognizance of such offence shall try the case summarily in the manner provided in section 263 of the Code of Criminal Procedure, 1898.

Bom. VI of 1933.

¹ These words were substituted for the words "the complaint of" by Bom. 67 of 1954, s. 4.

² Sections 36A to 36D were inserted *ibid.*, s. 5.

36C. Where the parent of a child has failed to cause such child to attend the approved school in pursuance of a direction given by the school board under sub-section (1) of section 34, the Head Master of such school shall issue a certificate to the effect that such parent has failed to cause the child to attend the approved school in compliance with such direction and such certificate shall, until the contrary is proved, be presumed to be conclusive evidence of such failure in a prosecution against the parent under section 35.

Certificate of Head Master of approved school to be conclusive evidence of parent's failure to comply with section 32.

36D. Every prosecution under section 35 or 36 pending before any Court in any area on the date on which a Primary Schools Panchayat is constituted for such area under section 36B and all proceedings arising from, and incidental to, any such prosecution shall be tried, heard and determined by such Court or any other Court having jurisdiction to try, hear and determine the same, as if no such Primary Schools Panchayat had been constituted for such area.]

Saving of pending proceedings.

XLV
of
1880.

37. Every Administrative Officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.]

Administrative Officer to be public servant.

CHAPTER VII.

APPROVED SCHOOLS.

38. The subjects, curricula, books and standards of teaching of approved schools shall be such as may from time to time be specified by the ²[State] Government.

Subjects, curricula, etc., of approved schools.

39. (1) Every primary school, other than a primary school maintained by the ²[State] Government or by a school board or by an authorized municipality, which fulfils the conditions prescribed in this behalf shall be entitled to recognition as an approved school.

Recognition of and grants to approved schools under private management.

(2) Such recognition shall be given by the school board or by the ²[State] Government or by an officer authorized by it in this behalf; and the manner in which grant-in-aid is to be given to such approved school shall be as prescribed.

40. (1) Every approved school shall be open during the school hours to inspection by the inspecting officers of the ²[State] Government for the purpose, in particular of ascertaining—

Inspection of approved schools; returns.

- (a) whether instruction is given in accordance with the provisions of section 38;
- (b) whether the provisions of this Act for the compulsory attendance of children are being carried out;
- (c) whether the health of the school children is satisfactory;
- (d) whether the instruction given is not of a pernicious nature;
- (e) whether the registers and records are being maintained as required by the Director.

(2) The Administrative Officer and the manager of an approved school shall furnish such returns and supply such information as the Director may from time to time require, and shall give reasonable facilities to officers appointed under sub-section (1) of section 48 and to any officer specially deputed under this sub-section by the Director in the discharge of their duties.

¹ This section was substituted for the original by Bom. 36 of 1949, s. 8.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

BOMBAY ACT No. XXXI OF 1948.¹

[THE BOMBAY BUILDING (CONTROL ON ERECTION, RE-ERECTION AND
CONVERSION) ACT, 1948.]

[10th April 1948]

Amended by Bom. 69 of 1948.

" " " 15 of 1950.†

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 53 of 1953.

" " " 58 of 1954.

An Act to provide for the control on ²[erection, re-erection and conversion] of buildings in the Province of Bombay.

WHEREAS with a view to providing better housing accommodation and securing economic and orderly building development ³[and the proper location of buildings erected or re-erected for the purposes of public amusements and industrial undertakings to avoid overcrowding and nuisances] it is necessary to provide for the control on the erection and re-erection of buildings in the Province of Bombay ⁴[and their conversion] and for certain other purposes; It is hereby enacted as follows:—

1. (1) This Act may be called the Bombay Building (Control on Erection ⁵[Re-erection and Conversion]) Act, 1948. Short title,
[extent and
application].

(2) It extends to the areas specified in the Schedule.

(3) The ⁶[State] Government may, by notification in the *Official Gazette*, direct that it shall also extend to any other area specified in such notification.

* * * * *

Bom. XV of 1950. ⁷[(4) In the areas to which this Act extends for the time being, the provisions thereof shall, after the date of the commencement of the Bombay Building (Control on Erection) (Amendment) Act, 1950, apply only to buildings which are intended to be used for the purpose of a theatre, a cinema or any other place of public amusement:

Provided that in the City of Bombay, the Bombay Suburban District and the Thana Taluka of the Thana District, the said provisions shall after the aforesaid date apply also to buildings intended to be used for an industrial undertaking.]

⁸[Provided further that the State Government may by notification in the *Official Gazette* direct that the provisions of this Act shall apply to such areas, such of the aforesaid classes of buildings and from such date as may be specified in the notification.]

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1948, Pt. V, page 157.

² These words were substituted for the words "erection and re-erection", by Bom. 53 of 1953, s. 2.

³ This portion was inserted, *ibid.*, s. 3.

⁴ These words were inserted, *ibid.*, s. 4(1).

⁵ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁶ The words beginning with the words "The Provincial Government may further" and ending with the words "in the notification" were deleted by Bom. 15 of 1950, s. 2(1).

⁷ This sub-section was inserted, *ibid.*, s. 2(2).

⁸ These words were substituted for the words "and extent", *ibid.*, s. 2(3).

⁹ This proviso was added by Bom. 53 of 1953, s. 4(2).

†Section 6 of the Bombay Building (Control on Erection) (Amendment) Act, 1950 (Bom. 15 of 1950), reads as under:—

6. The amendments made in the said Act by this Act shall not affect—

(1) any right, obligation or liability already acquired, accrued or incurred before the commencement of this Act, or

(2) any penalty, forfeiture or punishment incurred in respect of any offence committed before the commencement of this Act, or

(3) any legal proceeding or remedy in respect of any such right, obligation, liability, penalty, forfeiture or punishment or anything done or suffered before the commencement of this Act,

and any such legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed.

Savings.

Definitions.

2. In this Act, unless there is anything repugnant to the subject or context,—
(i) “building” means a house, out-house, stable, shed, hut and every other structure, involving use of bricks, cement; asbestos cement sheets, iron, steel or any other material which the ¹[State] Government may by notification in the *Official Gazette* specify.

Explanation.—Use of iron or steel by way of nails or screws or doors, windows and fastenings shall not be deemed to be use of iron or steel within the meaning of this definition.

(ii) “Controller” means the person appointed as such under section 3 ;

²[(ii-a) “conversion of a building” means to use or permit to be used for the purpose of an industrial undertaking, any building to which this Act applies, which was erected, re-erected, or used, or intended to be used, for any other purpose; and “to convert” shall be construed accordingly ;

Provided that a building shall not be deemed to be used or permitted to be used for an industrial undertaking by reason only of its being used as a godown, storehouse or warehouse ; but any change in the use of such building for the purpose of any other industrial undertaking shall be deemed to be a conversion of the same.]

(iii) “erection or re-erection of a building” includes any alteration to, or enlargement of, or addition to, any building ; and the expression “erect or re-erect a building” shall be construed accordingly ;

(iv) “prescribed” means prescribed by rules made under this Act ;

* * * * *

Appointment
of Controllers
of Buildings.

3. The ¹[State] Government may, by notification in the *Official Gazette*, appoint for any area one or more persons to be the Controllers of Buildings for the purposes of this Act.

Application
for permission
to erect or
re-erect
buildings, or
to continue
to erect or
re-erect building
[or for con-
version].

4. (1) Every person desiring to commence the work of erection or re-erection of a building or to continue the work of erection or re-erection of a building commenced before the date on which this Act has come into force ⁴[and every person desiring to convert a building] shall make an application in writing to the Controller for permission to do so. The application shall be in such form and contain such information in respect of the building to which the application relates as may be prescribed.

(2) On receipt of such application the Controller, after making such enquiry as he considers necessary, shall, ⁵[subject to such general or special orders as the State Government may make in this behalf,] by order in writing either—

(a) grant the permission subject to such conditions, if any, as may be specified in the order ; or

(b) refuse to grant such permission :

* * * * *

(3) If at the expiration of a period of ⁶[three months] after an application under sub-section (1) has been received by the Controller no order in writing has been passed by the Controller permission shall be deemed to have been granted without imposition of any condition.

¹ This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

² This clause was inserted by Bom. 53 of 1953, s. 5.

³ Clause (v) was deleted by Bom. 15 of 1950, s. 3.

⁴ These words were inserted by Bom. 53 of 1953, s. 6 (1).

⁵ These words were inserted, *ibid.*, s. 6(2).

⁶ These words were added, *ibid.*, s. 6 (3).

⁷ Proviso and Explanation in sub-section (2) were deleted by Bom. 15 of 1950, s. 4.

⁸ These words were substituted for the words “One month” by Bom. 58 of 1954, s. 2, Schedule.

BOMBAY ACT No. LXXIX OF 1948.¹

[THE BOMBAY SHOPS AND ESTABLISHMENTS ACT, 1948.]

[11th January 1949]

Amended by Bom. 17 of 1949.

" " " 53 of 1949.

" " " 59 of 1949.

" " " 8 of 1950.

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 9 of 1951.

" " " 28 of 1952.

" " " 58 of 1954.

An Act to consolidate and amend the law relating to the regulation of conditions of work and employment in shops, commercial establishments, residential hotels, restaurants, eating houses, theatres, other places of public amusement or entertainment and other establishments.

WHEREAS it is expedient to consolidate and amend the law relating to the regulation of conditions of work and employment in shops, commercial establishments, residential hotels, restaurants, eating houses, theatres, other places of public amusement or entertainment and other establishments and for certain other purposes hereinafter specified; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Bombay Shops and Establishments Act, 1948. Short title,
extent and
operation.
 - (2) It extends to the whole of the ²[State] of Bombay.
 - (3) It shall in the first instance come into force in the local areas specified in Schedule I.
 - (4) The ³[State] Government shall by notification published in the *Official Gazette* direct that all or any of the provisions of this Act shall come into force in such other local areas having a population of twenty-five thousand and more as may be specified in the notification.
 - (5) The ³[State] Government may also by a like notification direct that all or any of the provisions of this Act shall come into force in such local areas having population less than twenty-five thousand as may be specified in the notification.
2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.
- (1) "Apprentice" means a person who is employed, whether on payment of wages or not, for the purpose of being trained, in any trade, craft or employment in any establishment;
 - (2) "Child" means a person who has not completed his twelfth year;
 - (3) "Closed" means not open for the service of any customer or open to any business connected with the establishment;

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1948, Part V, page 499.

² This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

³ This word was substituted for the word "Provincial", *ibid.*

(4) "Commercial establishment" means an establishment which carries on any business, trade or profession or any work in connection with, or incidental or ancillary to, any business, trade or profession and includes a society registered under the Societies Registration Act, 1860, and a charitable or other trust, whether registered or not, which carries on ^{XXI of 1860.} [whether for purposes of gain or not,] any business, trade or profession or work in connection with or incidental or ancillary thereto but does not include a factory, shop, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment;

(5) "Day" means the period of twenty-four hours beginning at midnight: Provided that in the case of an employee whose hours of work extend beyond midnight, day means the period of twenty-four hours beginning when such employment commences irrespective of midnight;

(6) "Employee" means a person wholly or principally employed in, and in connection with, any establishment and includes an apprentice but does not include a member of the employer's family;

(7) "Employer" means a person owning or having ultimate control over the affairs of an establishment;

(8) "Establishment" means a shop, commercial establishment, residential hotel, restaurant, eating house, theatre, or other place of public amusement or entertainment to which this Act applies and includes such other establishment as the ²[State] Government may, by notification in the *Official Gazette*, declare to be an establishment for the purposes of this Act;

(9) "Factory" means any premises which is a factory within the meaning of ³[clause (m) of section 2 of the Factories Act, 1948, or which is deemed to be a factory under section 85 of the said Act]; ^{EXIII of 1948.}

(10) "Goods" includes all materials, commodities and articles;

(11) "Holiday" means a day on which an establishment shall remain closed or on which an employee shall be given a holiday under the provisions of this Act;

(12) "Inspector" means an Inspector appointed under section 48;

(13) "Leave" means leave provided for in Chapter VII of this Act;

(14) "Local area" means any area or combination of areas to which this Act applies;

⁴[(15) "Local authority" means a municipal corporation constituted under Bom. III of 1888. the Bombay Municipal Corporation Act or the Bombay Provincial Municipal Corporations Act, 1949, a municipality constituted under the Bombay District Bom. LIX Municipal Act, 1901, or the Bombay Municipal Boroughs Act, 1925, or a local of 1949. board constituted under the Bombay Local Boards Act, 1923;]

(16) "Manager" means a person declared to be a manager under section 7; Bom. of 1901.

(17) "Member of the family of an employer" means the husband, wife, son, daughter, father, mother, brother or sister of an employer who lives with and is dependent on such employer; ^{XVIII of 1925. Bom. VI of 1923.}

(18) "Opened" means opened for the service of any customer;

(19) "Period of work" means the time during which an employee is at the disposal of the employer;

(20) "Prescribed" means prescribed by rules made under this Act;

(21) "Prescribed authority" means the authority prescribed under the rule made under this Act;

¹ These words were inserted by Bom. 28 of 1952, s. 2(1).

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ This portion was substituted for the original, by Bom. 17 of 1949, s. 2.

⁴ Clause (15) was substituted for the original, by Bom. 28 of 1952, s. 2(2).

CHAPTER VII.

LEAVE WITH PAY AND PAYMENT OF WAGES.

35. (1) Every employee who has worked for not less than two hundred and seventy days during a year, shall be allowed, during the subsequent year, leave, consecutive or otherwise, for a period of not less than fourteen days, inclusive of the day or days during the period of such leave, on which, a shop or commercial establishment remains closed under sub-section (1) of section 18 or he is entitled to a holiday under sub-section (1) of section 24 or section 31 : Leave.

Provided that such leave may be accumulated up to a maximum period of twenty-eight days.

¹[(1A) If the services of an employee who has been in the employment for not less than a year and who has worked for ninety days or more, but for less than two hundred and seventy days during any subsequent year, are terminated in such year in the circumstances specified in sub-section (2), he shall, in addition to the leave under sub-section (1), become entitled to such leave in such year for the number of days which bears to fourteen days, the same proportion, as the number of days for which he worked bears to two hundred and seventy days.]

(2) If an employee entitled to leave under sub-section (1) ²[or (1A)] is discharged by his employer before he has been allowed the leave, or if, having applied for and having been refused the leave, he quits his employment before he has been allowed the leave, the employer shall pay him the amount payable under section 36 in respect of the leave.

(3) If an employee entitled to leave under sub-section (1) ²[or (1A)] is refused the leave, he may give intimation to the Inspector or any other officer authorized in this behalf by the ³[State] Government regarding such refusal. The Inspector shall enter such intimation in a register kept in such form as may be prescribed.

36. Every employee shall be paid for the period of his leave at a rate equivalent to the daily average of his wages for the days on which he actually worked during the preceding three months, exclusive of any earnings in respect of overtime. Pay during leave.

37. An employee who has been allowed leave under section 35 shall, before his leave begins, be paid half the total amount due to him for the period of such leave. Payment when to be made.

IV of 1936. 38. (1) Notwithstanding anything contained in the Payment of Wages Act, 1936, herein referred to as "the said Act", the ³[State] Government may, by notification published in the *Official Gazette*, direct that subject to the provisions of sub-section (2) of the said Act ⁴[shall, in such local areas as may be specified in the notification apply] to all or any class of establishments or to all or any class of employees to which or whom this Act for the time being applies. Application and amendment of the Payment of Wages Act.

(2) On the application of the provisions of the said Act to any establishment or to any employees under sub-section (1), the Inspector appointed under this Act shall be deemed to be the Inspector for the purpose of the enforcement of the provisions of the said Act within the local limits of his jurisdiction.

¹ Sub-section (1A) was inserted by Bom. 28 of 1952, s. 13 (1).

² This portion was inserted, *ibid.*, s. 13(2).

³ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁴ These words were substituted for the words "shall apply" by Bom. 58 of 1954, s. 2, Schedule.

CHAPTER VIII.

HEALTH AND SAFETY.

- Cleanliness.** 39. The premises of every establishment shall be kept clean and free from effluvia arising from any drain or privy or other nuisance and shall be cleaned at such times and by such methods as may be prescribed. These methods may include lime washing, colour washing, painting, varnishing, disinfecting and deodorising.
- Ventilation.** 40. The premises of every establishment shall be ventilated in accordance with such standards and by such methods as may be prescribed.
- Lighting.** 41. (1) The premises of every establishment shall be sufficiently lighted during all working hours.
(2) If it appears to an Inspector that the premises of any establishment within his jurisdiction are not sufficiently lighted, he may serve on the employer an order in writing specifying the measures which in his opinion should be adopted and requiring them to be carried out before a specified date.
- Precautions against fire.** 42. In every establishment except such establishment or class of establishments as may be prescribed, such precautions against fire shall be taken as may be prescribed.
- First Aid.** [42A. In every establishment wherein a manufacturing process as defined in clause (k) of section 2 of the Factories Act, 1948, is carried on, there shall be provided and maintained a first aid box containing such articles as may be prescribed.] LXIII of 1948.

CHAPTER IX.

ENFORCEMENT AND INSPECTION.

- Powers and duties of local authorities.** 43. Save as otherwise provided in this Act, it shall be the duty of every local authority to enforce, within the area subject to its jurisdiction, the provisions of this Act, subject to such supervision of the ²[State] Government as may be prescribed :

Provided that the local authority may by order direct that the said duty of enforcing the provisions of this Act shall be discharged, in such circumstances and subject to such conditions if any as may be specified in the order, by its Chief Executive Officer or any other officer subordinate to it :

Provided also that in respect of the areas not subject to the jurisdiction of any local authority, it shall be the duty of the ²[State] Government to enforce the said provisions.

- Power to make by-laws.** 44. A local authority empowered under section 43 to enforce the provisions of this Act may, with the previous sanction of the ²[State] Government, make by-laws not inconsistent with the provisions of the Act, or the rules or orders made by the ²[State] Government thereunder, for the purpose of carrying out the provisions of this Act.

¹ Section 42A was inserted by Bom. 28 of 1952, s. 14.

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

The Bombay Animal Preservation Act, 1948 (Bom. LXXXI of 1948) at pages 2889-2894 has been repealed by the Bombay Animal Preservation Act, 1954 (Bom. LXXII of 1954), section 16.

BOMBAY ACT No. XX OF 1949.¹

[THE KARNATAK UNIVERSITY ACT, 1949.]

[11th May 1949]

Amended by Bom. 53 of 1949.

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 39 of 1951.

" " " 18 of 1953.

" " " 30 of 1954.

" " " 58 of 1954.

An Act to establish and incorporate a University in the Province of Bombay to be known as the Karnatak University.

WHEREAS it is expedient to establish and incorporate a University in the Province of Bombay to be known as the Karnatak University as a measure in the decentralization and reorganisation of university education in the Province of Bombay; It is hereby enacted as follows:—

CHAPTER I.**PRELIMINARY.**

1. (1) This Act may be called the Karnatak University Act, 1949.
 - (2) This section shall come into force at once.
 - (3) The ²[State] Government may, by notification in the *Official-Gazette*, direct that all or any of the remaining provisions of this Act shall come into force on such date or dates as may be specified in the notification.
- Short title
and com-
mencement.
2. In this Act, unless there is anything repugnant in the subject or context,—
 - (1) "Affiliated" means affiliated under sections 5 and 32;
 - (2) "College" means a degree college or an intermediate college;
 - (3) "Degree College" means an affiliated college which is authorized to submit its students to an examination qualifying for any degree of the University;
 - (4) "High School" means a high school which has been recognized as a full-fledged high school by the ³[Director of Education], Bombay ⁴[State] or by an officer authorized by him in this behalf, or a high school situate outside the ⁴[State] of Bombay which has been registered by the University;
 - (5) "Hostel" means a unit of residence for students maintained or recognized by the University under this Act.
 - (6) "Intermediate college" means an affiliated college other than a degree college;
 - (7) "Principal" means the head of a college;
 - (8) "Recognized institution" means an institution for research or specialized studies other than an affiliated college and recognized as such by the University;
 - (9) "Registered graduate" means a graduate registered under the provisions of this Act;
 - (10) "Secondary Teachers" means such class of teachers imparting instruction in High Schools as may be declared to be Secondary teachers by the Statutes;
 - (11) "Statutes," "Ordinances" and "Regulations" mean respectively the Statutes, Ordinances and Regulations of the University made under this Act and for the time being in force;

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1949, Part V, page 33.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ These words were substituted for the words "Director of Public Instruction" by Bom. 18 of 1953, s. 3 and Second Schedule.

⁴ This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

(12) "Teachers" means professors, readers, lecturers and such other persons imparting instruction in the University, an affiliated college or a recognized institution as may be declared to be teachers by the Statutes ;

(13) "Teachers of the University" means teachers appointed or recognized by the University for imparting instruction on its behalf ;

(14) "University" means the Karnatak University constituted under this Act ;

(15) "University Area" means the areas specified in the Schedule ;

(16) "University Department" means any post-graduate or research institution or department maintained by the University.

CHAPTER II.

THE UNIVERSITY.

Incorporation
of the Uni-
versity.

3. (1) The Chancellor, the first Vice-Chancellor of the University and the first members of the Senate, the Syndicate and the Academic Council of the University and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "The Karnatak University."

(2) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(3) The University shall be competent to acquire and hold property, both moveable and immovable, to lease, sell or otherwise transfer any moveable or immovable property which may have become vested in or been acquired by it for the purposes of the University and to contract and to do all other things necessary for the purposes of this Act.

Powers of the
University.

4. Subject to such conditions as may be prescribed by or under the provisions of this Act, the University shall have the following powers, namely :—

(1) to provide for instruction, teaching and training in such branches of learning and courses of study as it may think fit and to make provision for research and dissemination of knowledge ;

(2) to make such provision as will enable affiliated colleges and recognized institutions to undertake specialization of studies ;

(3) to establish, maintain and manage departments and institutes of research or specialized studies ;

(4) to institute professorships, readerships, lecturerships and any other posts of teachers required by the University ;

(5) to appoint or recognize persons as professors, readers or lecturers or otherwise as teachers of the University ;

(6) to lay down the courses of instruction for various examinations ;

(7) to guide the teaching in colleges or recognized institutions ;

(8) to institute degrees, titles, diplomas and other academic distinctions ;

(4) Where the application or any part thereof is granted, the order of the ¹[State] Government shall specify the courses of instruction in respect of which the college is affiliated, and, where the application or any part thereof is refused, the grounds of such refusal shall be stated.

(5) As soon as possible after the ¹[State] Government makes its order, the Registrar shall submit to the Senate a full report regarding the application, the action taken thereon under sub-sections (2) to (4) and of all proceedings connected therewith.

(6) An application under sub-section (1) may be withdrawn at any time before an order is made under sub-section (3).

33. Where a college desires to add to the courses of instruction in respect of which it is affiliated the procedure prescribed by section 32 shall, ²[so far as may be], be followed. Extension of affiliation.

34. (1) The Syndicate shall have the power, after consultation with the Academic Council, to recognize as a recognized institution any institution of research or specialised studies other than a college. Recognition of institutions of research and specialised studies.

(2) An institution applying for recognition under this section shall send a letter of application to the Registrar and shall give full information in the letter of application in respect of the following matters, namely :—

- (a) constitution and personnel of the managing body ;
- (b) subjects and courses in regard to which recognition is sought ;
- (c) accommodation, equipment and the number of students for whom provision has been or is proposed to be made ;
- (d) the strength of the staff, their qualifications and salaries and the research work done by them ;
- (e) fees levied or proposed to be levied and the financial provision made for capital expenditure on buildings and equipment and for the continued maintenance and efficient working of the institution.

(3) Before taking the application into consideration the Syndicate may call for any further information which it may deem necessary.

(4) If the Syndicate decides to take the application into consideration, it may direct a local inquiry to be made by a competent person or persons authorized by it in this behalf. After considering the report made as a result of such local inquiry and making such further inquiry as may appear to it to be necessary, the Syndicate shall, after consultation with the Academic Council, grant or refuse the application or any part thereof. Where the application or any part thereof is granted, the Syndicate shall specify the subjects and the courses of instruction in respect of which the institution is recognized and make a report to that effect to the Academic Council and the Senate at their next succeeding meeting. Where the application or any part thereof is refused the grounds of such refusal shall be stated.

35. (1) Every affiliated college and recognized institution shall furnish such reports, returns and other information as the Syndicate after consulting the Academic Council may require to enable it to judge of the efficiency of the college or institution. Inspection of colleges and reports.

(2) The Syndicate shall cause every such college or institution to be inspected from time to time by one or more competent persons authorized by the Syndicate in this behalf.

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

² These words were substituted for the words "so far as may be" by Bom. 58 of 1954, s. 2, Schedule.

(3) The Syndicate may call upon any college or institution so inspected to take, within a specified period, such action as may appear to it to be necessary in respect of any of the matters referred to in sub-section (1) of section 32 and sub-section (2) of section 34.

Withdrawal
of affiliation.

36. (1) The rights conferred on a college by affiliation may be withdrawn in whole or in part or modified if the college has failed to carry out any of the provisions of sub-section (1) of section 32 or the college has failed to observe any of the conditions of its affiliation or the college is conducted in a manner which is prejudicial to the interests of education.

(2) A motion for the withdrawal or the modification of such rights shall be initiated only in the Syndicate. The member of the Syndicate who intends to move such a motion shall give notice of it and shall state in writing the grounds on which it is made.

(3) Before taking the said motion into consideration, the Syndicate shall send a copy of the notice and written statement mentioned in sub-section (2) to the Principal of the college concerned, together with an intimation that any representation in writing submitted within a period specified in such intimation on behalf of the college will be considered by the Syndicate :

Provided that the period so specified may, if necessary, be extended by the Syndicate.

(4) On receipt of the representation or on the expiry of the period referred to in sub-section (3), the Syndicate after considering the notice of motion, statement and representation, and after such inspection by any competent person or persons authorized by the Syndicate in this behalf, and such further inquiry as may appear to it to be necessary and after consulting the Academic Council shall make a report to the Senate.

(5) On receipt of the report under sub-section (4) the Senate shall, after such further inquiry, if any, as may appear to it to be necessary, record its opinion in the matter :

Provided that no resolution of the Senate recommending the withdrawal of affiliation shall be deemed to have been passed by it unless the resolution has obtained the support of two-thirds of the members present at a meeting of the Senate such majority comprising not less than one-half of the members of the Senate.

(6) The Registrar shall submit the proposal and all proceedings, if any, of the Academic Council, the Syndicate and the Senate relating thereto, to the ¹[State] Government which, after such further inquiry, if any, as may appear to it to be necessary, shall make such order as it deems fit.

(7) Where by an order made under sub-section (6), the rights conferred by affiliation are withdrawn in whole or in part or modified, the grounds for such withdrawal or modification shall be stated in the order.

With drawal
of
recognition.

37. (1) The rights conferred on an institution by recognition may be withdrawn or suspended for any period if the institution has failed to observe any of the conditions of its recognition or the institution is conducted in a manner which is prejudicial to the interest of education.

(2) A motion for such withdrawal or suspension shall be initiated only in the Syndicate. The member of the Syndicate who intends to move such a motion shall give notice of it and shall state in writing the grounds on which it is made.

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

SECTIONS.

CHAPTER IV-A—*Control and Regulation of Articles mentioned in section 24A to prevent their use as intoxicating Liquor.*

- 59A. Manufacture of articles mentioned in section 24A.
- 59B. Analysis of articles mentioned in section 24A.

CHAPTER V—*Mhowra flowers.*

- 60. Prohibition of export or import of mhowra flowers. Control and regulation of transport, sale, etc., of mhowra flowers.

CHAPTER VI—*Control and Regulation of Molasses.*

- 61. Control of export, etc., of molasses.
- 62. Provisions of sections 53 to 59 to apply to licences granted under section 61.
- 63. [*Deleted.*]
- 64. [*Deleted.*]

CHAPTER VII—*Offences and penalties.*

- 65. Penalty for illegal import, etc., of intoxicant or hemp.
- 66. Penalty for illegal cultivation and collection of hemp and other matters.
- 67. Penalty for alteration or attempting to alter denatured spirit.
- 67-1A. Penalty for alteration or attempting to alter denatured spirituous preparation.
- 67A. Penalty for manufacturing articles mentioned in section 24A in contravention of the provisions of section 59A.
- 67B. Penalty for failure to satisfy Director that articles mentioned in section 24A correspond to description and limitations.
- 68. Penalty for opening, etc., of common drinking house.
- 69. Penalty for illegal import, etc., of mhowra flowers.
- 70. Penalty for illegal import, etc., of molasses.
- 71. [*Deleted.*]
- 72. Penalty for failure, etc., of warehousing opium.
- 73. Penalty for printing or publishing advertisements in contravention of provisions of Act, etc.
- 74. Penalty for circulating, etc., newspapers, etc., containing advertisements regarding intoxicants, etc.
- 75. Penalty for inciting or encouraging certain acts.
- 76. Penalty for neglect to keep measures, etc.
- 77. Penalty for misconduct by licensee, etc.
- 78. Penalty for misconduct by licensed vendor or manufacturer.
- 79. Liability of licensee for acts of servants.
- 80. Import, export, etc., of intoxicant by any person on account of another.
- 81. Penalty for attempts or abetment.
- 82. Breach of licence, permit, etc., to be an offence.
- 83. Penalty for conspiracy.
- 84. Penalty for being found drunk in any drinking house.
- 85. Penalty for being drunk and for disorderly behaviour.

SECTIONS.

86. Penalty for allowing any premises, to be used for purpose of committing an offence under Act.
87. Penalty for chemist, druggist or apothecary for allowing his premises to be used for purpose of consumption of liquor.
88. Penalty for issuing false prescriptions.
89. Penalty for maliciously giving false information.
90. Penalty for offences not otherwise provided for.
91. Demand for security for abstaining from commission of certain offences.
92. [*Deleted.*]
93. Demand of security for good behaviour.
94. Execution of bonds in respect of minor.
95. Punishment for vexatious search, seizure or arrest.
96. Punishment for vexatious delay.
97. Punishment for abetment for escape of persons arrested.
98. Things liable to confiscation.
99. Return of things liable to confiscation to *bona fide* owners.
100. Procedure in confiscation.
101. Power of Collector, etc., to order sale or destruction of articles liable to confiscation.
102. Forfeiture of any publication containing advertisement or matter soliciting use of intoxicants.
103. Presumption as to commission of offences in certain cases.
- 103A. Report of certain registered medical officers as evidence.
104. Compounding of offences.
- 104A. Bombay Probation of Offenders Act, 1938, and section 562 of Code of Criminal Procedure, 1898, not to apply to persons convicted of offence under this Act.

CHAPTER VIII—*Excise Duties.*

105. Excise duties.
106. Manner of levying excise duties.
107. Power to exempt, remit, or refund excise duty.
- 107A. Declaration of stock of articles mentioned in section 24A; maintenance of accounts and submission of returns.
- 107B. Power to obtain information and to search and seize excoisable articles.
108. Penalty for import of intoxicant, without payment of duty.
109. Duty on tapping of toddy trees.
110. Duty by whom payable.
111. Owner of trees entitled to assistance for duty paid.
112. Privilege of drawing toddy from trees belonging to Government.
113. Rules for levy of duty on opium, etc.
114. Recovery of duties, etc.

CHAPTER IX—*Powers and Duties of Officers and Procedure.*

115. Magistrate's power to impose higher fine.
116. Procedure to be followed by Magistrates.
117. Investigations, arrests, searches, etc., how to be made.
118. Offences to be cognizable.
119. Offences to be non-bailable.
120. Powers of entry and inspection.
121. Power to open packages, etc.
122. Powers to require production of licences.

BOMBAY ACT No. XXV OF 1949.¹

[THE BOMBAY PROHIBITION ACT, 1949.]

[20th May 1949]

Adapted and modified by the Adaptation of Laws Order, 1950.
Amended by Bom. 28 of 1950.

„ „ „ 26 of 1952.
„ „ „ 18 of 1953.
„ „ „ 67 of 1953.
„ „ „ 21 of 1954.
„ „ „ 36 of 1954.
„ „ „ 64 of 1954.

An Act to amend and consolidate the law relating to the promotion and enforcement of and carrying into effect the policy of Prohibition and also the Abkari law in the Province of Bombay.

WHEREAS it is expedient to amend and consolidate the law relating to the promotion and enforcement of and carrying into effect the policy of Prohibition; and whereas it is also necessary to amend and consolidate the Abkari law in the Province of Bombay for the said purpose and to provide for certain other purposes hereinafter appearing; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be cited as the Bombay Prohibition Act, 1949.
 - (2) It extends to the whole of the ²[State] of Bombay.
 - (3) It shall come into force on such date as the ³[State] Government may, by notification in the *Official Gazette*, specify.
- Short title,
extent and
commence-
ment.
2. In this Act, unless there is anything repugnant in the subject or context,—
 - (1) “authorization” means an authorization granted under section 45 for the use of liquor for sacramental purposes;
 - (2) “to bottle”, with its various grammatical variations, means to transfer any article from a cask or other vessel to a bottle, jar, flask, pot or similar receptacle for the purpose of sale, whether any process of manufacture be employed or not; bottling includes re-bottling;
 - (3) “coasting steamer licence” means a licence granted under section 37;
 - (4) “Collector” means a Collector of land revenue or any person appointed to exercise all or any of the powers or to perform all or any of the duties of a Collector under this Act;
 - (5) “Director” means an officer appointed as the Director of Excise and Prohibition under section 3;
 - (6) “committee” means any of the committees appointed by the ³[State] Government under section 7;

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1948, Part V, page 655.

² This word was substituted for the word “Province” by the Adaptation of Laws Order, 1950.

³ This word was substituted for the word “Provincial”, *ibid.*

⁴ Clause (5) was substituted for the original by Bom. 28 of 1950, Sch.

(7) "common drinking house" means a place where the drinking of liquor or consumption of any intoxicating drug is allowed for the profit or gain of the person owning, occupying, using, keeping or having the care or management or control of such place whether by way of charge for the use of the place or for drinking facilities provided, or otherwise howsoever and includes the premises of a club or any other place which is habitually used for the purpose of drinking liquor or consuming any intoxicating drug by more than one person without a licence granted under this Act ;

(8) "country liquor" includes all liquor produced or manufactured in India ;

(9) "cultivation" includes the tending or protecting of a plant during growth and does not necessarily imply raising it from seed ;

(10) "denatured" means subjected to a process prescribed for the purpose of rendering unfit for human consumption ;

¹[(10a) "denatured spirituous preparation" means any preparation made with denatured spirit or alcohol and includes lacquers, French polish, and varnish prepared out of such spirit or alcohol ;]

(11) "dining car licence" means a licence granted under section 37 ;

(12) "to drink" with its grammatical variations, means to drink liquor or to consume any intoxicating drug ;

(13) "excisable article" means—

(a) any alcoholic liquor for human consumption,

(b) an intoxicating drug,

(c) opium,

(d) any medicinal or toilet preparation containing alcohol,

(e) other narcotic drugs, narcotics and non-narcotic drugs which the ²[State Government may, by notification in the *Official Gazette*, declare to be an excisable article ;

(14) "excise duty" and "countervailing duty" means such excise duty or countervailing duty, as the case may be, as is mentioned in ³[entry 51 in list II in the Seventh Schedule to the Constitution] ;

(15) "excise revenue" means revenue derived or derivable from any duty, fee, tax, fine (other than a fine imposed by a court of law) or confiscation or forfeiture imposed or ordered under the provisions of this Act, or of any other law for the time being in force relating to intoxicants ;

(16) "export" (except in section 147) means to take out of the ⁴[State] otherwise than across a customs frontier * * * * ;

(17) "foreign liquor" includes all liquor brought into India by sea, air or land ;

Provided that the ²[State] Government may, by notification in the *Official Gazette*, declare that any specified description of country liquor shall, for the purposes of this Act, be deemed to be foreign liquor ;

¹ Clause (10a) was inserted by Bom. 36 of 1954, s. 2.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ This portion was substituted for the portion "Item 40 in List II in the Seventh Schedule to the Government of India Act, 1935", *ibid.*

⁴ This word was substituted for the word "Province", *ibid.*

⁵ The words "as defined by the Dominion Government" were deleted by Bom. 26 of 1952, s. 2(1).

Provided that no such order shall be made before the expiry of one month from the date of seizure, or without hearing any person who can claim any right thereto and the evidence, if any, which he produces in support of his claim.

101. If the thing in question is liable to speedy and natural decay, or if the ¹[Director], Collector, ²[Court] or the officer authorized by the ³[State] Government in this behalf is of opinion that the sale would be for the benefit of the owner, the ⁴[Director], Collector, ²[Court] or the officer may at any time direct it to be sold and the provisions of section 99 or 100 shall apply so far as may be to the net proceeds of the sale :

Power of Collector etc. to order sale or destruction of articles liable to confiscation.

Provided that in the case of anything liable to speedy and natural decay the officer concerned may order it to be destroyed if in his opinion such order is expedient in the circumstances of the case.

102. (1) Where any newspaper, newsheet, book, leaflet, booklet or other publication wherever printed or published appears to the ³[State] Government to contain any advertisement or matter ⁴* soliciting the use of, or offering any intoxicant or hemp, the ³[State] Government may, by notification in the *Official Gazette*, declare every copy of such newspaper, newsheet, book, leaflet, booklet or other publication whether printed or published in the ⁵[State] or outside to be forfeited to ⁶[the State Government], and thereupon any Police Officer may seize the same wherever found in the ⁶[State]. Any Magistrate may by warrant authorize any Police Officer not below the rank of Sub-Inspector to enter upon and search for the same in any premises where any copy of such issue or any such newspaper, newsheet, book, leaflet, booklet, or other publication may be or may be reasonably suspected to be. Every warrant issued under this section shall be executed in the manner provided for the execution of search warrants under the Code of Criminal Procedure, 1898.

Forfeiture of any publication containing advertisement or matter ⁷[soliciting] use of intoxicants.

(2) The declaration of the ³[State] Government under this⁸ section shall be final and shall not be questioned in any Civil or Criminal Court.

103. (1) In prosecutions under any of the provisions of this Act, it shall be presumed without further evidence, until the contrary is proved, that the accused person has committed an offence under this Act in respect of any intoxicant, hemp, mhowra flowers or molasses or any still, utensil, implement or apparatus, whatsoever for the manufacture of any intoxicant as are ordinarily used in the manufacture of such intoxicant, for the possession of which he is unable to account satisfactorily.

Presumption as to commission of offences in certain cases.

¹ This word was substituted for the word "Commissioner" by Bom. 28 of 1950, Sch.

² This word was substituted for the word "Magistrate" by Bom. 21 of 1954, s. 3, Second Schedule.

³ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁴ The word "commending" was deleted by Bom. 26 of 1952, s. 39.

⁵ This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

⁶ These words were substituted for the words "His Majesty," *ibid.*

⁷ This word was substituted for the word "commending" by Bom. 26 of 1952, s. 39.

(2) In prosecutions under section 67 ¹[or 67-1A] it shall be presumed without further evidence until the contrary is proved that the accused person has committed an offence under that section in respect of any denatured spirit ²[or denatured spirituous preparation] which has been or attempted to be altered in contravention of the provisions of section 21 ³[or 21A, as the case may be].

Report of
certain
registered
medical
officers as
evidence.

⁴[103A. Any document purporting to be a report under the hand of any registered medical officer in any hospital or dispensary maintained by the State Government or a local authority or any other registered medical officer authorised by the State Government in this behalf, in respect of any person examined by him, or upon any matter or thing duly submitted to him for examination or analysis and report, for the purposes of any prosecution under this Act, may be used as evidence in such prosecution :

Provided that the Court shall, at the request of the accused, summon the medical officer who made the report for the purpose of being cross-examined.]

Compounding
of offences.

104. (1) The ⁵[State] Government may sanction the acceptance from any person whose licence, permit, pass or authorization is liable to be cancelled or suspended under the provisions of this Act or who is reasonably suspected of having committed an offence under section ⁶[69, 70, 77, 82 or] 108, of a sum of money in lieu of such cancellation or suspension or by way of composition for the offence which may have been committed, as the case may be ; and in all cases in which any property other than the intoxicant, hemp, mhowra flowers or molasses has been seized as liable to confiscation under this Act may release the same on payment of the value thereof as estimated by the ⁵[State] Government or such officer as the ⁵[State] Government may authorize in this behalf :

Provided that where a person who is reasonably suspected of having committed an offence under section ⁶[69, 70 or] 108 is not the holder of a licence, permit, pass or authorization granted under this Act or a person in the employ of such holder or a person acting with his express or implied permission on his behalf, the sum of money which may be accepted from such person by way of composition shall not exceed five hundred rupees.

(2) On the payment by such person of such sum of money, or such value or both as the case may be, such person, if in custody, shall be set at liberty and the property seized may be released and if any proceedings shall have been instituted against such person in any Criminal Court, the composition shall be held to amount to an acquittal and in no case shall any further proceedings be taken against such person or property with reference to the same facts.

Bombay Pro-
hibition of Off-
enders Act,
1938, and
section 562 of
Code of Cri-
minal Proce-
dure, 1898,
not to apply
to persons
convicted of
offence under
this Act.

⁷[104A. Nothing in the Bombay Probation of Offenders Act, 1938, or section 562 of the Code of Criminal Procedure, 1898, shall apply to any person convicted of any offence under this Act.]

Bom.
XIX
of
1938.
V of
1898.

¹ The word figures and letter " or 67-1A " were inserted by Bom. 36 of 1954, s. 13(i).

² These words were inserted *ibid.*, s. 13(ii).

³ These words were inserted *ibid.*, s. 13(iii).

⁴ Section 103A was inserted by Bom. 64 of 1954, s. 2.

⁵ This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

⁶ These figures and word were inserted by Bom. 26 of 1952, s. 40.

⁷ Section 104A was inserted by Bom. 67 of 1953, s. 4.

CHAPTER VIII.

EXCISE DUTIES.

105. ¹[(1)] An excise duty or countervailing duty, as the case may be, at such rate or rates as the ²[State] Government shall direct may be imposed, either generally or for any specified local area on—

- (a) any alcoholic liquor for human consumption,
- (b) any intoxicating drug,
- (c) any medicinal or toilet preparation containing alcohol,
- (d) any other excisable article,

when imported, exported, transported, possessed, manufactured or sold ³[in or from the State, as the case may be]:

XXX. Provided that duty shall not be so imposed on any article which has been imported into ⁴[the territory of India] and was liable on such importation to duty under the Indian Tariff Act, 1934, or the Sea Customs Act, 1878:

II of
1934.
VIII
of
1878.

¹ Section 105 was renumbered as sub-section (1) by the Adaptation of Laws Order, 1950.

² This word was substituted for the word "Provincial" *ibid*.

³ These words were substituted for the words and figures "in accordance with the provisions contained in Chapter IV of this Act" by Bom. 26 of 1952, s. 41.

⁴ These words were substituted for the words "the Dominion of India" by the Adaptation of Laws Order, 1950.

140. The [State] Government may, by general or special order, prohibit, regulate or control, subject to such conditions as may be specified in the order, the consumption or use of any intoxicant or hemp, in any public place.

Power of [State] Government to prohibit, regulate or control consumption or use of intoxicants, etc., in public place.

141. (1) If the [State] Government is satisfied that the inhabitants of any area are concerned in the commission or abetment of any of the offences punishable under sections 65 to 69, the [State] Government may, by notification in the *Official Gazette*, direct the employment of additional police for such period as it thinks fit.

Employment of additional police.

(2) The cost of such additional police shall, if the [State] Government so directs, be either in whole or in part defrayed by a tax imposed on the persons herein below mentioned, or by a rate assessed on the property of such persons, or both by a tax and by a rate so imposed and assessed, and charged—

(a) either generally on all persons who are inhabitants of the local area to which such notification applies; or

(b) specially on any particular section or sections or class or classes of such persons, and the [State] Government may direct the proportions in which such tax or rate shall be charged.

Explanation.—For the purposes of this section “inhabitants” shall include persons who themselves or by their agents or servants occupy or hold land or other immoveable property within such area, and landlords who themselves or by their agents or servants collect rents or revenue direct from rayats or occupiers in such area, notwithstanding that they do not actually reside therein.

(3) It shall be lawful for the [State] Government to extend, for a term not exceeding in any case five years, the period for the payment of such tax or rate beyond the period for which such additional police are actually employed.

Bom. XXII of 1951. ²[(4) The provisions of sub-sections (4) to (7) of section 50 of the Bombay Police Act, 1951, shall apply *mutatis mutandis* to the recovery of such tax or rate.]

142. (1) It shall be lawful for the Collector by notice in writing to the licensee to require that any place in which any intoxicant or hemp is sold by retail shall be closed at such time or for such period as he may deem necessary, if in the opinion of the Collector such closing is necessary in the interest of public peace.

Closing of shops.

(2) If a riot or unlawful assembly is imminent or occurring, it shall be lawful for ³[any Executive Magistrate] or Police Officer who is present to direct that such place shall be closed and kept closed for such period as he thinks fit.

(3) Any order given under this section shall be final.

¹ This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

² This sub-section was substituted for the original sub-sections (4) and (5) by Bom. 64 of 1954, s. 3.

³ These words were substituted for the words “any Magistrate” by Bom. 21 of 1954, Second Schedule.

Power of
[State]
Government
to make
rules.

143. (1) The [State] Government may make rules for the purpose of carrying out the provisions of this Act or any other law for the time being in force relating to excise revenues;

(2) In particular and without prejudice to the generality of the foregoing provisions, the [State] Government may make rules,—

(a) regulating the delegation of any power by the [Director], by Collector or by any other Prohibition Officer;

(b) regulating the import, export, transport, [collection,] sale, purchase, consumption, use or possession of any intoxicant or hemp, mhowra flowers or molasses;

(c) regulating the manufacture of any intoxicant;

(d) regulating the cultivation and collection of hemp;

(e) regulating the tapping of toddy producing trees and drawing of toddy therefrom;

(f) regulating the grant, suspension or cancellation of licences, permits, passes or authorizations for the import, export, transport, [collection, sale, purchase,] possession, manufacture, consumption, use or cultivation of any of the above articles mentioned in [clause (b) and for the matters specified in clause (e)];

(g) regulating the periods and localities for which the licences may be granted for the wholesale or retail vend of any of the above articles mentioned in clause (b);

(h) providing for the consulting of public opinion and prescribing the procedure to be followed and the matters to be ascertained before any licence, permit, pass or authorization for the vend, consumption or use of any of the above articles mentioned in clause (b) is granted to any person or in any locality;

(i) prohibiting and regulating the employment by the licence-holder of any person or classes of persons to assist him in his business in any capacity whatsoever;

(j) prescribing the manner in which the juice from a cocoanut, brab, date or any kind of palm tree is to be treated for the purpose of preventing fermentation;

(k) prescribing the persons or classes of persons to whom any intoxicant, or hemp may or may not be sold or who may be allowed to sell, purchase or use;

(l) for the prevention of drunkenness, gambling or disorderly conduct in or near any licensed premises and the meeting and remaining of persons of bad character on such premises;

(m) regulating the grant of expenses to persons called on to give information in investigations in respect of offences under this Act, and of compensation to persons charged with offences punishable under this Act and acquitted;

(n) regulating the printing, publishing or otherwise displaying or distributing any advertisement or other matter ⁶* soliciting the use of, or offering any intoxicant ⁷[or] hemp or calculated to encourage or incite any individual or class of individuals or the public generally to commit an offence under this Act or to commit a breach or evade the provisions of any rule or order made thereunder or the conditions of any licence, permit, pass or authorization issued thereunder;

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

² This word was substituted for the word "Commissioner" by Bom. 28 of 1950, Sch.

³ This word was inserted by Bom. 28 of 1952, s. 51 (1).

⁴ These words were inserted, *ibid.*, s. 51 (2).

⁵ These words, brackets and letters were substituted for the words, brackets, and letters "clauses b) and (c)", *ibid.*

⁶ The word "commending" was deleted, *ibid.*, s. 51 (3).

⁷ This word was inserted, *ibid.*

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BOMBAY ACT No. LIX OF 1949.¹

[THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS ACT, 1949.]

[29th December 1949]

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 42 of 1950.

" " " 9 of 1951.

" " " 28 of 1951.

" " " 39 of 1951.

" " " 10 of 1953.*

" " " 18 of 1953.

" " " 57 of 1953.

" " " 8 of 1954.

" " " 19 of 1954.

" " " 45 of 1954.

" " " 58 of 1954.

An Act to provide for the establishment of Municipal Corporations for certain cities in the Province of Bombay.

WHEREAS it is expedient to provide for the establishment of municipal corporations in the cities of Ahmedabad and Poona and certain other cities with a view to ensure a better municipal government of the said cities ; It is hereby enacted as follows :—

CHAPTER I.**PRELIMINARY.**

1. (1) This Act may be called the Bombay Provincial Municipal Corporations Act, 1949. Short title, extent and commencement.

(2) It extends to the whole of the ²[State] of Bombay.

(3) This section shall come into operation at once. The remaining provisions of the Act shall come into operation in the City of Ahmedabad and the City of Poona and such other cities (outside Greater Bombay) on such dates as the ³[State] Government may, by notification in the *Official Gazette* specify in respect of each city. On the respective dates the said provisions shall apply to places outside the said cities in the manner, to the extent and for the purposes expressly provided therein.

2. In this Act, unless there be something repugnant in the subject Definitions, or context—

(1) "Appendix" means an Appendix to this Act;

(2) "appointed day" means with reference to any local area the day on which such area is constituted the City of Ahmedabad or the City of Poona or any other city, as the case may be under section 3 ;

Bom.
VII of
1925.

[(2A) "approved co-operative bank" means such co-operative bank registered, or deemed to be registered under the Bombay Co-operative Societies Act, 1925, as may be approved by the State Government by general or special order ;]

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1949, Part V, page 597.

² This word was substituted for the word "Province" by the Adaptation of Laws Order, 1950.

³ This word was substituted for the word "Provincial", *ibid*.

⁴ Clause (2A) was inserted by Bom. 19 of 1954, s. 2.

* This Act shall be deemed to have come into force on the 20th day of November 1951 [vide s. 1 (2) of Bom. 10 of 1953].

(3) "bakery or bake-house" means any place in which bread, biscuits or confectionery are baked, cooked or prepared in any manner whatsoever for the purposes of sale or profit ;

(4) "budget grant" means the total sum entered on the expenditure side of a budget estimate under a major head as prescribed by rules and adopted by the Corporation and includes any sum by which such budget grant may be increased or reduced by a transfer from or to other heads in accordance with the provisions of this Act and rules ;

(5) "building" includes a house, out-house, stable, shed, hut and other enclosure or structure whether of masonry, bricks, wood, mud, metal or any other material whatever, whether used as a human dwelling or otherwise, and also includes verandahs, fixed platforms, plinths, doorsteps, walls including compound walls and fencing, and the like ;

(6) "by-law" means a by-law made under section 458 ;

(7) "cesspool" includes a settlement tank or other tank for the reception or disposal of foul matter from buildings ;

(8) "the City" means the City of Ahmedabad, the City of Poona, or any other local area constituted to be a City under section 3 ;

(9) "the Commissioner" means the Municipal Commissioner for the City appointed under section 36 and includes an acting Commissioner appointed under section 39 ;

(10) "the Corporation" means the Municipal Corporation of the City ;

(11) "councillor" means a person who is duly elected as a member of the Corporation under this Act ;

(12) "cubical contents" when used with reference to the measurement of a building means the space contained within the external surfaces of its walls and roof and the upper surface of the floor of its lowest storey or where the building consists of one storey only, the upper surface of its floor ;

(13) "dairy" includes any farm, cattle-shed, milk store, milk shop, or other place from which milk is supplied for sale or in which milk is kept for the purposes of sale or manufactured into butter, ghee, cheese, curds or dried or condensed milk for sale and, in the case of a dairyman who does not occupy any place for the sale of milk, includes the place where he keeps the vessels used by him for the sale of milk but does not include a shop or other place in which milk is sold for consumption on the premises only ;

(14) "dairyman" includes the keeper of a cow, buffalo, goat, ass or other animal, the milk, of which is offered or intended to be offered for sale for human consumption, and any purveyor of milk and any occupier of a dairy ;

(15) "dairy produce" includes milk, butter, ghee, curd, butter milk, cream, cheese and every product of milk ;

(16) "dangerous disease" means cholera, plague, small-pox or any other epidemic or infectious disease by which the life of human beings is endangered and which the Corporation may from time to time by public notice declare to be a dangerous disease ;

funds, pensions, gratuities and compassionate allowances payable under the provisions of this Chapter or of the regulations or of any statement framed under this Act for the time being in force ;

(e) the payment of all expenses and costs incurred by the Transport Manager in the exercise of any power or the discharge of any duty conferred or imposed upon him for the purposes of, or in connection with the Transport Undertaking under the provisions of this Act or of any other enactment, including moneys which he is required or empowered to pay by way of compensation ;

(f) the payment of every sum payable under a decree or order of a civil or criminal court passed against the Corporation or against the Commissioner or the Transport Manager *ex-officio* in any proceeding arising out of the acquisition, maintenance or operation of the Transport Undertaking, or under a compromise effected under section 481, of any suit or other legal proceeding or claim arising out of such acquisition, maintenance or operation ;

(g) every sum required by the provisions of section 359 or 360 to be transferred, to the Municipal Fund ;

(h) every sum chargeable under section 108.

358. (1) Surplus moneys at the credit of the Transport Fund which cannot immediately or at an early date be applied to the purposes of this Act or of any loan raised for the purposes of the Transport Undertaking may be, from time to time, deposited at interest in the Imperial Bank of India ¹[or any other scheduled bank] ²[or an approved co-operative bank] ³[or be invested in public securities].

⁴[Provided that the amount of money to be deposited in an ⁵[approved co-operative bank] shall not exceed such amount as may be specified by the State Government generally or specially in respect of any approved co-operative bank.]

(2) All such deposits and investments shall be made by the Transport Manager on behalf of the Corporation, with the sanction of the Transport Committee, and with the like sanction, the Transport Manager may at any time withdraw any deposit so made or dispose of any securities and re-deposit or re-invest the money so withdrawn, or the proceeds of the disposal of such securities.

(3) The loss, if any, arising from any such deposit or investment shall be debited to the Transport Fund.

Payments out of Surplus Balance.

359. (1) Out of the balance of income over expenditure remaining at credit of the Revenue Account of the Transport Fund at the close of each official year, after defraying or making allowance for all charges, costs and expenses payable out of the revenue of the said Fund and allowing for the retention of the cash balance specified in, or for the time being fixed under section 98 to the credit of the said Fund, there shall be transferred to the credit of the Municipal Fund the amount provided in sub-section (2):

Provided that if the balance at credit of the said Revenue Account, after allowing for the matters aforesaid, is less than the amount provided in sub-section (2), the whole of such balance shall be transferred to the Municipal Fund

¹ These words were substituted for the words and figures " or such other bank as the Corporation may with due sanction have selected under section 83 " by Bom. 10 of 1953, s. 6.

² These words were inserted by Bom. 19 of 1954, s. 7(1).

³ These words were added by Bom. 57 of 1953, s. 2.

⁴ This proviso was added by Bom. 19 of 1954, s. 7(2).

⁵ These words were substituted for the words " approved bank " by Bom. 58 of 1954, s. 2, Schedule.

and any deficit shall be made good to the Municipal Fund out of the Revenue Reserve Fund maintained under section 360 and if the deficit still remains, it shall be made good to the Municipal Fund out of the balance available at credit of the Revenue Account of the next or any subsequent year after allowing for all the matters aforesaid and for the amount provided in sub-section (2) in respect of that year.

(2) The amount to be transferred to the Municipal Fund under sub-section (1) shall be in respect of each official year such sum as the Corporation, before the beginning of that year, may determine.

(3) The sum to be transferred under sub-section (1) shall be paid into any bank with which the Municipal Fund is deposited to the credit of the said Fund by means of a cheque drawn upon the Transport Fund not later than the thirtieth day of June immediately following the close of the year in which the balance out of which the transfer is due to be made accrues.

Disposal of
surplus
balance of
revenue.

360. (1) If after making allowance for the matter mentioned in section 359 there remains any further surplus balance of income over expenditure at credit of the Revenue Account of the Transport Fund, such surplus shall be disposed of as follows :—

(a) 30 per cent. of the surplus shall be credited under a separate heading in the accounts maintained under section 361 to a special fund to be called the 'Revenue Reserve Fund', unless the balance in the said Revenue Reserve Fund, with such credit, would exceed such sum as the Corporation shall with the sanction of the ¹[State] Government fix, in which case only such sum, if any, as is required to bring the balance to the sum so fixed shall be so credited and the remainder of the surplus, up to 30 per cent. thereof, shall be added in equal shares to the amounts credited or transferred under clauses (b), (c) and (d);

(b) 30 per cent. of the surplus and such additional amount as may be available under clause (a) shall be credited under a separate heading in the accounts maintained under section 361 to a special fund called "the Transport Betterment Fund";

(c) 25 per cent. of the surplus and such additional amount as may be available under clause (a) shall be transferred to the Municipal Fund for credit to the Welfare Fund constituted under the rules; and

(d) 15 per cent. of the surplus and such additional amount as may be available under clause (a) shall be transferred to the Municipal Fund.

(2) The Revenue Reserve Fund shall be applied to the following purposes :—

(i) in making good or in reduction of any deficit in the amount to be transferred in any year to the Municipal Fund under section 359; and

(ii) in meeting any charges to be defrayed out of the Transport Fund to the extent to which the balance available in the Fund is insufficient for the purpose.

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

to any matters which could have been raised on such an appeal, and any such order against which an appeal is brought shall, if and so far as it is confirmed by the Judge, or the District Court, become operative as from the date of the final determination of the appeal.

(5) For the purposes of this section, the withdrawal of an appeal shall be deemed to be the final determination thereof, having the like effect as a decision confirming the order appealed against and, subject as aforesaid, an appeal shall be deemed to be finally determined on the date when the decision of the District Court is given, or in a case where no appeal is brought to the District Court, upon the expiration of the period within which such an appeal might have been brought, or in a case where no appeal lies to the District Court, on the date when the decision of the Judge is given.

416. (1) An appeal shall lie to the District Court from a decision of the Judge regarding the amount or payment of expenses for any work executed, when the amount of the claim in respect of which the decision is given exceeds two thousand rupees :

Appeals against decision of the Judge regarding payment of expenses for works executed.

Provided that no such appeal shall be heard by the District Court unless it is filed within one month from the date of the decision of the Judge.

(2) The decision of the Judge regarding the amount or payment of expenses for any work executed, if no appeal is filed under this section, and, if an appeal is filed, the decision of the District Court in such appeal shall be final.

(3) When an appeal is filed under sub-section (1) in respect of a decision regarding the amount or payment of expenses for any work executed, the Commissioner shall defer proceedings for the recovery of the amount determined under the said section to be due pending the decision of the District Court and, after the decision, shall proceed to recover only such amount, if any, as shall be thereby determined to be due.

[416-A. The State Government may, from time to time, by notification in the *Official Gazette*, prescribe what fee, if any, shall be paid for an appeal to the District Court under section 411, 415 or 416 :

Fees in appeals before District Court.

Provided that the District Court may, whenever it thinks fit, receive an appeal by or on behalf of a poor person, without payment or on a part payment of the prescribed fees :

Provided further that whenever an appeal made to the District Court is settled by agreement of the parties before the hearing, half the amount of the fees paid up shall be repaid by the District Court to the party by whom the same may have been paid.]

V. *Proceedings before Judge.*

417. (1) If the owner of any building or land is prevented by the occupier thereof from complying with any provision of this Act or of any rule, regulation or by-law or with any requisition made under this Act or under any such rule, regulation or by-law in respect of such building or land, the owner may apply to the Judge.

Remedy of owner of building or land against occupier who prevents his complying with any provisions of this Act.

(2) The Judge, on receipt of any such application, may make a written order requiring the occupier of the building or land to afford all reasonable facilities to the owner for complying with the said provision or requisition, or to vacate the premises temporarily if the said provision or requisition relates to any action under section 264, involving the safety or convenience of such occupier, and may also, if he thinks fit, direct that the cost of such application and order be paid by the occupier.

¹ This section was inserted by Bom. 45 of 1954, s. 2.

(3) After eight days from the date of such order, it shall be incumbent on the said occupier to afford all such reasonable facilities to the owner for the purpose aforesaid or to vacate the premises temporarily as shall be prescribed in the said order; and in the event of his continued refusal so to do, the owner shall be discharged, during the continuance of such refusal, from any liability which he would otherwise incur by reason of his failure to comply with the said provision or requisition.

(4) Nothing in this section shall affect the powers of the Commissioner under any provision of this Act to cause any premises to be vacated.

Power to
summon
witnesses
and compel
production
of docu-
ments.

418. (7) For the purposes of any inquiry or proceeding under this Act, the Judge may summon and enforce the attendance of witnesses and compel them to give evidence and compel the production of documents, by the same means and, as far as is possible, in the same manner as is provided in the case of a Court of Small Causes by or under the Provincial Small Cause Courts Act, 1887, and in all matters relating to any such inquiry or proceeding the Judge shall be guided generally by the provisions of the said Act so far as the same are applicable. IX of 1887.

(2) If, in any such inquiry or proceeding, the person against whom the complaint or application has been made fails to appear, notwithstanding that he has been duly summoned for this purpose, the Judge may hear and determine the case in his absence.

(3) The costs of every such inquiry or proceeding as determined by the Judge, shall be payable by such parties and in such proportions as the Judge shall direct and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of a Court of Small Causes constituted under the Provincial Small Cause Courts Act, 1887: IX of 1887.

Provided that, if such inquiry or proceeding relates to a dispute regarding expenses declared to be improvement expenses by or under any provision of this Act, the amount of the costs directed by the Judge to be paid by the owner or occupier of the premises in respect of which or for the benefit of which the improvement expenses were incurred shall be a charge on such premises and may also be recovered in the manner prescribed in section 442.

Fees in
proceeding
before the
Judge.

419. (1) The [State] Government may, from time to time, by notification in the *Official Gazette*, prescribe what fee, if any, shall be paid:—

(a) on any application, appeal or reference made under this Act to the Judge; and

(b) previous to the issue, in any inquiry or proceeding of the Judge under this Act, of any summons or other process:

Provided that the fees, if any, prescribed under clause (a) shall not, in cases in which the value of the claim or subject matter is capable of being estimated in money, exceed the fees for the time being levied, under the provisions of the Provincial Small Cause Courts Act, 1887, in cases in which the value of the claim or subject matter is of like amount. IX of 1887.

(2) The [State] Government may from time to time by a like notification determine by what person any fee prescribed under clause (a) of sub-section (1) shall be payable.

(3) No application, appeal or reference shall be received by the Judge, until the fee, if any, prescribed therefor under clause (a) of sub-section (1) has been paid.

Exemption
of poor
persons
from fees.

420. The Judge may, whenever he thinks fit, receive an application, appeal or reference made under this Act, by or on behalf of a poor person; and may issue process on behalf of any such person without payment or on a part payment of the fees prescribed under section 419.

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

THE BOMBAY TALUQDARI TENURE ABOLITION ACT, 1949.

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BOMBAY ACT No. LXII OF 1949.¹

[THE BOMBAY TALUQDARI TENURE ABOLITION ACT, 1949.]

[24th January 1950]

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 28 of 1950.

" " " 3 of 1952.

" " " 38 of 1953.

" " " 42 of 1953.

" " " 1 of 1955.

An Act to abolish the taluqdari tenure in the Province of Bombay.

WHEREAS it is expedient to abolish the taluqdari tenure prevailing in certain parts of the Province of Bombay and to amend the law relating to the revenue administration of the estates held on the said tenure; It is hereby enacted as follows:—

1. (1) This Act may be called the Bombay Taluqdari Tenure Abolition Act, 1949. Short title,
- (2) It extends to the districts of Ahmedabad, Kaira, Broach and the Panchmahals extent and
- as constituted immediately before the 1st day of August 1949. commence-
- (3) It shall come into force on such date as the ²[State] Government may, by notification in the *Official Gazette*, appoint in this behalf.

2. In this Act, unless there is anything repugnant in the subject or context,—Definitions.

Bom.
V of
1879.

(1) "Code" means the Bombay Land Revenue Code, 1879;

³[(1-A) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act;]

Bom.
VI of
1888.

(2) "Taluqdars' Act" means the Gujarat Taluqdars' Act, 1888;

(3) "Taluqdari land" means land forming part of a taluqdari estate and includes land forming part of such estate and held by a cadet of a taluqdar's family for the purpose of maintenance;

(4) "Taluqdari tenure" means a land tenure on which the taluqdari land is held;

(5) the words and expressions used in this Act shall be deemed to have the same meaning as they have in the Code.

3. With effect from the date on which this Act comes into force,—

(i) the taluqdari tenure shall wherever it prevails be deemed to have been abolished; and

Abolition of
taluqdari
tenure and
its incidents.

(ii) save as expressly provided by or under the provisions of this Act, all the incidents of the said tenure attaching to any land comprised in a taluqdari estate shall be deemed to have been extinguished.

4. All revenue surveys or revised revenue surveys of taluqdari estates directed by the ²[State] Government under section 4 of the Taluqdars' Act and all settlements made shall be deemed to have been made under Chapters VIII and VIII-A of the Code and the settlement registers and other records prepared of such surveys shall be deemed to have been prepared under the corresponding provisions of the Code. Revenue sur-
veys to be
deemed to be
surveys under
the Code.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1949, Part V, pp. 198-99.

² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³ Clause (1-A) was inserted by Bom. 38 of 1953, s. 3, Second Schedule.

Liability of taluqdari land to payment of land revenue.

5. (1) Subject to the provisions of sub-section (2),—

(a) all taluqdari lands are and shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder, and

(b) a taluqdar holding any taluqdari land or a cadet of a taluqdar's family holding any taluqdari land hereditarily for the purpose of maintenance, immediately before the coming into force of this Act, shall be deemed to be an occupant within the meaning of the Code or any other law for the time being in force.

(2) Nothing in sub-section (1) shall be deemed to affect—

1* * * * *

(b) the right of any person to pay jama only under any agreement or settlement recognised under section 23 or under a declaration made under section 22 of the Taluqdars' Act so long as such agreement, settlement or declaration remains in force under the provisions of this Act.

Liability of permanent tenant and inferior holder in possession of taluqdari land to payment of land revenue.

2[5A. (1) Notwithstanding anything contained in section 5, a permanent tenant in possession of any taluqdari land, and also an inferior holder holding such land on payment of annual assessment only, shall be deemed to be occupants within the meaning of the Code in respect of such land in their possession and shall be primarily liable to the State Government for the payment of land revenue due in respect of such land, and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as occupants under the Code or any other law for the time being in force :

Provided that—

(a) such permanent tenant shall be entitled to the rights of an occupant in respect of such land on payment to the taluqdar or the cadet, as the case may be,—

(i) of the occupancy price equivalent to four multiples of the assessment fixed for such land, and

(ii) for the extinguishment or modification of any rights of the taluqdar or cadet, as the case may be, including the right of reversion in the land, of a further sum equivalent to two multiples of such assessment ;

(b) such inferior holder shall be entitled to the rights of an occupant in respect of such land on payment to the taluqdar or the cadet, as the case may be,—

(i) of the occupancy price equivalent to two multiples of the assessment fixed for such land, and

(ii) for the extinguishment or modification of any rights of the taluqdar or the cadet, as the case may be, including the right of reversion in the land, of a further sum equivalent to such assessment.

(2) The right conferred under sub-section (1) shall not be exercisable after Bom. a period of two years from the date on which the Bombay Taluqdari Tenure¹ of Abolition (Amendment) Act, 1954, comes into force. 1955.

¹ Clause (a) was deleted by Bom. 42 of 1953, s. 20, Sch. I.

² This section was inserted by Bom. 1 of 1955, s. 2.

Explanation.—For the purposes of this section, 'land' shall have the same meaning as it has in clause (8) of section 2 of the Bombay Tenancy and Agricultural Lands Act, 1948.]

6. All public roads, lanes and paths, the bridges, ditches, dikes and fences, on, or beside, the same, the bed of the sea and of harbours, creeks below high water mark, and of rivers, streams, nallas, lakes, wells and tanks, and all canals, and water courses, and all standing and flowing water, all unbuilt village site lands, all waste lands and all uncultivated lands (excluding lands used for building or other non-agricultural purposes), which are not situate within the limits of the wantas belonging to a taluqdar in a taluqdari estate shall except in so far as any rights of any person other than the taluqdar may be established in and over the same and except as may otherwise be provided by any law for the time being in force, vest in and shall be deemed to be, with all rights in or over the same or appertaining thereto, the property of the ¹[Government] and all rights held by a taluqdar in such property shall be deemed to have been extinguished and it shall be lawful for the Collector, subject to the general or special orders of the ²[State Government], to dispose them of as he deems fit, subject always to the rights of way and of other rights of the public or of individuals legally subsisting.

All public roads, etc., not situate in wantas to vest in the ¹[Government].

Explanation.—For the purposes of this section, land shall be deemed to be uncultivated, if it has not been cultivated for a continuous period of three years immediately before the date on which this Act comes into force.

7. (1) Any taluqdar having any rights in such property shall be entitled to compensation in the manner provided in the following paragraphs, namely :—

Compensation to taluqdars for extinguishment of rights under the preceding section.

(a) ³[on or before the 31st day of March 1952], the taluqdar shall apply in writing to the Collector stating the nature of his right, the grounds of his claim and the amount of compensation claimed by him for the extinguishment of his rights ;

(b) the Collector shall hold a formal inquiry in the manner provided in the Code and if the Collector is satisfied that the applicant had any rights in the land and that such rights have been extinguished under the last preceding section, shall make an award in the manner prescribed in section 11 of the Land Acquisition Act, 1894, subject to the following conditions :—

I of 1894.

(i) if the property acquired is waste or uncultivated but is culturable land the amount of compensation shall not exceed three times the assessment of the land :

Provided that if the land has not been assessed the amount of compensation shall not exceed such amount of assessment as would be leviable in the same village on the same extent of similar land used for the same purpose ;

¹ This word was substituted for the word " Crown " by the Adaptation of Laws Order, 1950.

² These words were substituted for the word " Commissioner " by Bom. 28 of 1950, s. 4, Schedule.

³ These words, figures and letters were substituted for the words " within a period of twelve months from the date on which this Act comes into force ", by Bom. 3 of 1952, s. 2, Schedule.

BOMBAY ACT No. LXIII OF 1949.¹

[THE PANCH MAHALS MEHWASSI TENURE ABOLITION ACT, 1949.]

[24th January 1950]

Adapted and modified by the Adaptation of Laws Order, 1950.

Amended by Bom. 42 of 1953.

" " " 58 of 1954.

An Act to abolish Mehwassi tenure in the Kalol Taluka in the district of Panch Mahals.

WHEREAS it is expedient to abolish the Mehwassi tenure prevailing in certain villages in the Kalol Taluka in the district of Panch Mahals in the Province of Bombay and to provide for certain consequential and incidental matters hereinafter appearing ; It is hereby enacted as follows :—

1. (1) This Act may be called the Panch Mahals Mehwasssi Tenure Abolition Act, 1949. Short title,
extent and
commence-
ment.
- (2) It extends to the district of Panch Mahals in the ²[State] of Bombay.
- (3) It shall come into force on such date as the ³[State] Government may, by notification in the *Official Gazette*, direct.
2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.
 - ⁴[(a1) 'District of Panch Mahals' and 'Kalol Taluka' means respectively the district of Panch Mahals and Kalol Taluka as constituted immediately before the 1st day of August 1949.]
 - (1) "Mehwasssi village" means a village specified in the Schedule appended to this Act ;
 - (2) "Mehwasdar" means a holder of a Mehwasssi village ; and
 - (3) "Mehwasssi lease" means a lease or agreement under which a Mehwasssi village is held from the ⁵[State] Government.
3. With effect from and on the date on which this Act comes into force,— Abolition of
Mehwasssi
tenure.
 - (a) the Mehwasssi tenure in the villages specified in the Schedule shall be deemed to have been abolished ;
 - (b) the agreements or leases, subject to the terms and conditions of which the said villages have been held, shall be deemed to have been cancelled ; and
 - (c) all the incidents of the said tenure attaching to any land in the said villages shall be deemed to have been extinguished.
4. (1) (a) Every Mehwasdar in respect of the land in his possession in a Mehwasssi village under a Mehwasssi lease, and Mehwasdar
and register-
ed occupant
to be occu-
pant.
 - (b) every registered occupant in respect of the land in his possession in a Mehwasssi village, immediately before the date on which this Act comes into force shall, notwithstanding the fact that the period specified in the Mehwasssi lease for the continuance thereof has not expired, be deemed to be an occupant within the meaning of the Bombay Land Revenue Code, 1879, in respect of such land in his possession and shall be primarily liable to the ³[State] Government for the payment of land revenue due in respect of such land and shall be entitled to all rights and shall be liable to all the obligations in respect of such land as an occupant under the said Code or any other law for the time being in force.

Bom.
V of
1879.¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, Part V, pp. 267-68.² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.³ This word was substituted for the word "Provincial", *ibid*.⁴ Clause (a1) was inserted by Bom. 58 of 1954, s. 2, schedule. This clause shall be deemed always to have been inserted.

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Waste lands and other property specified in section 37 of Bombay Land Revenue Code vests in [Government.]

5. For the removal of doubt, it is hereby declared that all waste lands whether assessed or unassessed in a Mehwasi village and all other kinds of property referred to in section 37 of the Bombay Land Revenue Code, 1879, situate in a Mehwasi village, which are not the property of the individuals, or of any aggregate of persons legally capable of holding property and except in so far as any rights of such persons may be established in or over the same and except as may be otherwise provided in any law for the time being in force, are together with all rights in or over the same or appertaining thereto, the property of the [Government] and it shall be lawful to dispose of or set apart the same by the authority and for the purpose provided in section 37 or 38 of the said Code, as the case may be. Bom. V of 1879.

Compensation payable to Mehwasdar or any person for extinguishment or modification of any rights.

6. (1) If a Mehwasdar or any other person is aggrieved by any of the provisions of this Act as extinguishing or modifying his rights under a Mehwasi lease or in land and if such Mehwasdar or other person proves that such extinguishment or modification amounts to the transference to public ownership of any land or any right in or over such land, such person may apply to the Collector for compensation.

(2) Such application shall be made in the prescribed form within six months from the date on which this Act comes into force.

(3) The Collector shall after holding a formal inquiry in the manner prescribed by the Bombay Land Revenue Code, 1879, award such compensation as he deems reasonable and adequate : Bom. V of 1879.

Provided that the amount of compensation for the cancellation of a Mehwasi lease shall not exceed the maximum of the average of the amount of the total or partial exemption of land revenue and profits from unassessed waste land to which the Mehwasdar was entitled under the Mehwasi lease in respect of his village during three years immediately before the date on which this Act comes into force :

Provided further that in the case of the extinguishment or modification of any right of a Mehwasdar or any other person the Collector shall be guided by the provisions of sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894. I of 1894.

(4) Subject to the provisions of sub-section (5), the award of the Collector shall be final.

(5) Any person aggrieved by the award of the Collector may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939. Bom. XII of 1939.

(6) In deciding appeals under sub-section (5), the Bombay Revenue Tribunal shall exercise all the powers which a court has and follow the same procedure which a court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908. V of 1908.

Limitation:

7. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply at the filing of such appeal. IX of 1908.

¹ Sub-section (2) was deleted by Bom. 42 of 1953, s. 20, Sch. I.

² This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

THE BOMBAY PUBLIC TRUSTS ACT, 1950.

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BOMBAY ACT No. XXIX OF 1950.¹

[THE BOMBAY PUBLIC TRUSTS ACT, 1950.]

[14th August 1950]

Amended by Bom. 47 of 1950.

" " " 14 of 1951.

" " " 39 of 1951.

" " " 28 of 1953.

" " " 21 of 1954.

" " " 59 of 1954.

An Act to regulate and to make better provision for the administration of public religious and charitable trusts in the State of Bombay.

WHEREAS it is expedient to regulate and to make better provision for the administration of public religious and charitable trusts in the State of Bombay ; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Bombay Public Trusts Act, 1950.
- (2) It shall extend to the whole of the State of Bombay.
- (3) This Act shall come into force at once ; but the provisions thereof shall apply to a public trust or any class of public trusts on the date specified in the notification under sub-section (4).

Short title,
extent,
operation and
application.

- (4) The State Government may, by notification in the *Official Gazette* specify the date on which the provisions of this Act shall apply to any public trust or any class of public trusts :

Provided that the State Government may also by a like notification direct that from the date specified therein any public trust or class of public trusts shall be exempt from the provisions of this Act :

Provided further that before a notification of such application or exemption is published, a draft thereof shall be published in the *Official Gazette* and in such other manner as may be prescribed for the information of persons likely to be affected thereby together with a notice specifying the date on or before which any objections or suggestions shall be received and the date on or after which the draft shall be taken into consideration.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

- (1) "assessor" means a person appointed as an assessor under section 7 ;

- (2) "Assistant Charity Commissioner" means an Assistant Charity Commissioner appointed under section 5 ;

- (3) "Charity Commissioner" mean the Charity Commissioner appointed under section 3 ;

- (4) "Court" means in the Greater Bombay, the City Civil Court and elsewhere, the District Court ;

- (5) "Deputy Charity Commissioner" means the Deputy Charity Commissioner appointed under section 5 ;

- (6) "Hindu" includes Jain, Buddhist and Sikh ;

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1949, Part V, pp. 235-239.

(7) "Inspector" means an Inspector appointed under section 6 ;

(8) "manager" means any person (other than a trustee) who for the time being either alone or in association with some other person or persons administers the trust property of any public trust and includes—

(a) in the case of a math, the head of such math,

(b) in the case of a wakf, a mutavalli of such wakf,

(c) in the case of a society registered under the Societies Registration Act, 1860, its governing body, if the property of the society is not vested in a trustee ; XXI of 1860.

(9) "math" means an institution for the promotion of the Hindu religion presided over by a person whose duty it is to engage himself in imparting religious instructions or rendering spiritual service to a body of disciples or who exercises or claims to exercise headship over such a body and includes places of religious worship or instruction which are appurtenant to the institution ;

(10) "person having interest" ¹[includes]—

(a) in the case of a temple, a person who is entitled to attend at or is in the habit of attending the performance of worship or service in the temple, or who is entitled to partake or is in that habit of partaking in the distribution of gifts thereof,

(b) in the case of a math, a disciple of the math or a person of the religious persuasion to which the math belongs,

(c) in the case of a wakf, a person who is entitled to receive any pecuniary or other benefit from the wakf and includes a person who has a right to worship or to perform any religious rite in a mosque, idgah, imambara, dargah, maqbara or other religious institution connected with the wakf or to participate in any religious or charitable institution under the wakf,

(d) in the case of a society registered under the Societies Registration Act, 1860, any member of such society, and XXI of 1860.

(e) in the case of any other public trust, any beneficiary ;

(11) "prescribed" means prescribed by rules ;

(12) "public securities" means—

(a) securities of the Central Government or any State Government,

(b) stocks, debentures or shares in Railway or other companies, the interest or dividend on which has been guaranteed by the Central or any State Government,

(c) debentures or other securities for money issued by or on behalf of any local authority in exercise of the powers conferred by an Act of the Central or State Legislature ;

(d) a security expressly authorised by an order which the State Government makes in this behalf ;

(13) "public trust" means an express or constructive trust for either a public religious or charitable purpose or both and includes a temple, a math, a wakf, ²[a dharmada] or any other religious or charitable endowment and a society formed either for a religious or charitable purpose or for both and registered under the Societies Registration Act, 1860 ; XXI of 1860.

¹ This word was substituted for the word "means" by Bom. 28 of 1953, s. 2.

² These words were inserted by Bom. 14 of 1951, s. 2.

(v) the gross average annual income of the trust property estimated on the income of three years immediately preceding the date on which the application is made or of the period which has elapsed since the creation of the trust, whichever period is shorter,

(vi) the amount of the average annual expenditure in connection with such public trust estimated on the expenditure incurred within the period to which the particulars under clause (v) relate,

(vii) the address to which any communication to the trustee or manager in connection with the public trust may be sent,

(viii) such other particulars which may be prescribed :

Provided that the rules may provide that in the case of any or all public trusts it shall not be necessary to give the particulars of the trust property of such value and such kind as may be specified therein.

(6) Every application made under sub-section (1) shall be signed and verified in the prescribed manner by the trustee or his agent specially authorised by him in this behalf. It shall be accompanied by a copy of an instrument of trust, if such instrument had been executed and is in existence.

19. On the receipt of an application under section 18, or upon an application made by any person having interest in a public trust or on his own motion, the Deputy or Assistant Charity Commissioner shall make an inquiry in the prescribed manner for the purpose of ascertaining :—

- 1[(i) whether a trust exists and whether such trust is a public trust],
- (ii) whether any property is the property of such trust,
- (iii) whether the whole or any substantial portion of the subject-matter of the trust is situate within his jurisdiction,
- (iv) the names and addresses of the trustees and manager of such trust,
- (v) the mode of succession to the office of the trustee of such trust,
- (vi) the origin, nature and object of such trust,
- (vii) the amount of gross average annual income and expenditure of such trust, and

(viii) any other particulars as may be prescribed under sub-section (5) of section 18.

20. On completion of the inquiry provided for under section 19, the Deputy or Assistant Charity Commissioner shall record his findings with the reasons therefor as to the matters mentioned in the said section, ²[and may make an order for the payment of the registration fee].

21. (1) The Deputy or Assistant Charity Commissioner shall make entries in the register kept under section 17 in accordance with the findings recorded by him under section 20 or if appeals ³[or applications] are made as provided by this Act, in accordance with the final decision of the competent authority provided by this Act.

(2) The entries so made shall, subject to the provisions of this Act and subject to any change recorded under the following provisions, be final and conclusive.

22. (1) Where any change occurs in any of the entries recorded in the register kept under section 17, the trustee shall, within 90 days from the date of the occurrence of such change, or where any change is desired in such entries in the interest of the administration of such public trust, report such change or proposed change to the Deputy or Assistant Charity Commissioner in charge of the Public Trusts Registration Office where the register is kept. Such report shall be made in the prescribed form.

¹ This clause was substituted for the original by Bom. 14 of 1951, s. 6.

² These words were added by Bom. 28 of 1953, s. 3.

³ These words were inserted by Bom. 14 of 1951, s. 7.

(2) For the purpose of verifying the correctness of the entries in the register kept under section 17 or ascertaining whether any change has occurred in any of the particulars recorded in the register, the Deputy or Assistant Charity Commissioner may hold an inquiry.

(3) If the Deputy or Assistant Charity Commissioner, as the case may be, after receiving a report under sub-section (1) and holding an inquiry, if necessary under sub-section (2), or merely after holding an inquiry under the said sub-section (2), is satisfied that a change has occurred in any of the entries recorded in the register kept under section 17 in regard to a particular public trust, he shall record a finding with the reasons therefor to that effect. Such finding shall be appealable to the Charity Commissioner. The Deputy or Assistant Charity Commissioner shall amend the entries in the said register in accordance with such finding and if appeals¹ [or applications] were made against such finding, in accordance with the final decision of the competent authority provided by this Act. The amendments in the entries so made shall, subject to any further amendment on the occurrence of a change, be final and conclusive.

Further inquiry by Deputy or Assistant Charity Commissioner.

²[22A. If at any time after the entries are made in the register under section 21 or 22 it appears to the Deputy or Assistant Charity Commissioner that any particular relating to any public trust, which was not the subject-matter of the inquiry under section 19, or sub-section (3) of section 22, as the case may be, has remained to be enquired into, the Deputy or Assistant Charity Commissioner, as the case may be, may make further inquiry in the prescribed manner, record his findings and make entries in the register in accordance with the decision arrived at or if appeals or applications are made as provided by this Act, in accordance with the decision of the competent authority provided by this Act. The provisions of sections 19, 20, 21 and 22 shall, so far as may be, apply to the inquiry, the recording of findings and the making of entries in the register under this section].

Procedure where trust property is situate in several regions or sub-regions.

23. If any part of the property of any public trust is situate within the limits of more than one region or sub-region, the Deputy or Assistant Charity Commissioner of the region or sub-region within the limits of which the public trust is registered, shall forward a copy of the entries to the Deputy or Assistant Charity Commissioner in charge of the region or sub-region within the limits of which such part of the trust property is situate. The Deputy or Assistant Charity Commissioner in charge of such region or sub-region shall make an entry in such book as may be prescribed for the purpose. A copy of such entry shall also be sent by the Deputy or the Assistant Charity Commissioner, as the may be, to the Sub-Registrar appointed under the Indian Registration Act, 1908, of the sub-district within the limits of which such property or part thereof is situate. ^{XVI of 1908.}

Stay of inquiry.

24. No Deputy or Assistant Charity Commissioner shall proceed with an inquiry under section 19 or 22 in regard to any public trust which has been already registered in any other region or sub-region.

Inquiry regarding public trust not to be held by more than one Deputy or Assistant Charity Commissioner.

25. (1) If an inquiry under section 19 or 22 in regard to any public trust is pending before more than one Charity Commissioner whether Deputy or Assistant, the Charity Commissioner shall, on the application of any of the persons having interest in such public trust or of any Deputy or Assistant Charity Commissioner before whom such inquiry is pending or on his own motion, determine which of such Deputy or Assistant Charity Commissioner shall proceed with the inquiry in regard to such trust.

¹ These words were inserted by Bom. 14 of 1951, s. 7.

² This section was inserted by Bom. 59 of 1954, s. 2.

(4) Notwithstanding anything contained in the preceding sub-sections,—

¹[(a)] the Charity Commissioner may direct a special audit of the accounts of any public trust whenever in his opinion such special audit is necessary. The provisions of sub-sections (2) and (3) shall, so far as may be applicable, apply to such special audit. The Charity Commissioner may direct the payment of such fee as may be prescribed for such special audit; ²[and

(b) the State Government may, by general or special order, exempt any public trust or class of public trusts from the provisions of sub-section (2), subject to such conditions as may be specified in the order.]

34. (1) It shall be the duty of every auditor auditing the accounts of a public trust under section 33 to prepare a balance sheet and income and expenditure account and to forward a copy of the same to the Deputy or Assistant Charity Commissioner of the region or sub-region or to the Charity Commissioner, if the Charity Commissioner requires him to do so. Auditor's duty to prepare balance sheet and to report irregularities, etc.

(2) The auditor shall in his report specify all cases of irregular, illegal or improper expenditure, or failure or omission to recover moneys or other property belonging to the public trust or of loss or waste of money or other property thereof and state whether such expenditure, failure, omission, loss or waste was caused in consequence of a breach of trust, or misapplication or any other misconduct on the part of the trustees, or any other person.

35. ³[(1)] Where the trust property consists of money and cannot be applied immediately or at any early date to the purposes of the public trust the trustee shall be bound ⁴[(notwithstanding any direction contained in the instrument of the trust) to deposit the money in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934, in the Postal Savings Bank or in a co-operative bank approved by the State Government for the purpose or to invest it in public securities] : Investment of public trust money.

II of
1934.

Provided that such money may be invested in the first mortgage of immovable property situate in a Part A State or a Part C State if the property is not leasehold for a term of years and the value of the property exceeds by one-half the mortgage money :

Provided further that the Charity Commissioner may by general or special order permit the trustee of any public trust or classes of such trusts to invest the money in any other manner.

⁵[(2) Nothing in sub-section (1) shall affect any investment or deposit already made before the coming into force of the Bombay Public Trusts (Amendment) Act, 1954, in accordance with a direction contained in the instrument of the trust :

Bom.
of 59
1954.

Provided that any interest or dividend received or accruing from such investment or deposit on or after the coming into force of the said Act or any sum realized on the maturity of the said investment or deposit shall be applied or invested in the manner prescribed in sub-section (1).]

¹ The brackets and letter "(a)" were inserted by Bom. 28 of 1953, s. 4 (2).

² This word and clause (b) were added, *ibid.*

³ This section was renumbered as sub-section (1) of that section by Bom. 59 of 1954, s. 3 (1).

⁴ This portion was substituted for the original, *ibid.*

⁵ This sub-section was inserted, *ibid.*, s. 3 (2).

Alienation
of immovable
property of
public trust.

36. Subject to the directions in the instrument of trust—

(a) no sale, mortgage, exchange or gift of any immovable property, and

(b) no lease for a period exceeding ten years in the case of agricultural land or for a period exceeding three years in the case of non-agricultural land or a building,

belonging to a public trust, shall be valid without the previous sanction of the Charity Commissioner.

CHAPTER VI.

CONTROL.

Power of
inspection
and super-
vision.

37. The Charity Commissioner, the Deputy or Assistant Charity Commissioner or any officer authorised by the State Government by a general or special order shall have power—

(a) to enter on and inspect or cause to be entered on and inspected any property belonging to a public trust;

(b) to call for or inspect any extract from any proceedings of the trustees of any public trust and any book or account in the possession of or under the control of the trustees;

(c) to call for any return, statement, account or report which he may think fit from the trustees or any person connected with a public trust:

Provided that in entering upon any property belonging to the public trust the officers making the entry shall give reasonable notice to the trustee and shall have due regard to the religious practices or usages of the trust.

Explanation
on report of
auditor.

38. On receipt of a report of the auditor under section 34 ¹[or of a report, if any, made by an officer authorized under section 37] the Deputy or Assistant Charity Commissioner to whom the report is submitted shall require the trustee or any other person concerned to submit an explanation thereon within such period as he thinks fit.

Report to
Charity
Commis-
sioner.

39. If on the consideration ²[of any report referred to in section 38], the accounts and explanation, if any, furnished by the trustees or any other person, the Deputy or Assistant Charity Commissioner is, after holding an inquiry in the prescribed manner, satisfied that the trustees or any other person has been guilty of gross negligence, a breach of trust, misapplication or misconduct which has resulted in the loss to the public trust, he shall report the matter to the Charity Commissioner.

Decision of
Charity
Commis-
sioner on
report under
section 39.

40. The Charity Commissioner shall, after considering the report of the Deputy or Assistant Charity Commissioner, giving an opportunity to the person concerned and holding such inquiry as he thinks fit, determine—

(a) the amount of loss caused to a public trust;

(b) whether such loss was due to any breach of trust, misapplication or misconduct on the part of any person;

¹ These words and figures were inserted by Bom. 28 of 1953, s. 5.

² These words and figures were substituted for the words "of the report of the auditor", *ibid.*, s. 6.

(c) whether any of the trustees, or any other person was responsible for such loss :

(d) the amount which any of the trustees or any other person is liable to pay to the public trust for such loss.

41. (1) If the Charity Commissioner decides that any person is liable to pay to the public trust any amount for the loss caused to the trust, the Charity Commissioner may direct that the amount shall be surcharged on the person. Order of surcharge.

(2) Subject to the provisions of section 72, the order of the Charity Commissioner under sub-section (1) shall be final and conclusive.

CHAPTER VII.

OTHER FUNCTIONS AND POWERS OF CHARITY COMMISSIONER.

42. The Charity Commissioner shall be a corporation sole and shall have perpetual succession and a common seal and may sue and be sued in his corporate name. Charity Commissioner to be corporation sole.

VI of 1890. 43. Notwithstanding anything contained in the Charitable Endowments Act, 1890, the Charity Commissioner shall be deemed to be and to have always been the Treasurer of Charitable Endowments for the State of Bombay appointed under the provisions of the said Act, and the property vesting in the said Treasurer before the date on which this Act comes into force shall be deemed to vest in the Charity Commissioner as the Treasurer of Charitable Endowments ; and the provisions of the said Act shall apply to the Charity Commissioner, as the Treasurer of Charitable Endowments appointed under the said Act. Charity Commissioner to be Treasurer of Charitable Endowments under Act VI of 1890.

44. (1) Subject to the provisions of this Act [and] the rules made thereunder the Charity Commissioner may be appointed to act as a trustee of a public trust by a Court of competent jurisdiction or by the author of the trust. Charity Commissioner can act as trustee of public trusts.

(2) Save as herein provided, the Charity Commissioner acting as a trustee of a public trust shall have the same powers, duties and liabilities, and be entitled to the same rights and privileges as any other trustee of a public trust.

(3) The Charity Commissioner may decline, either absolutely or except on such conditions as he may impose, to accept any trust.

(4) The Charity Commissioner shall be the sole trustee and it shall not be lawful to appoint him as a trustee along with other persons.

45. (1) Any person intending to create a public trust may by the instrument creating the trust and with the consent of the Charity Commissioner appoint him by that name or any other description to be the trustee of such trust : Charity Commissioner may with consent be appointed trustee of settlement by grantor.

Provided that the consent of the Charity Commissioner shall be recited in the said instrument and that such instrument shall be executed by the Charity Commissioner or any officer duly authorised by him in that behalf.

¹ This word was substituted for the word "or" by Bom. 14 of 1951, s. 11.

(2) Upon such appointment the trust property shall vest in the Charity Commissioner and shall be held by him upon the terms declared in such instrument.

Appointment
of Charity
Commissioner
as trustee
under will.

46. Where the Charity Commissioner by that name or any other sufficient description has been appointed a trustee of any public trust under any will, the executor of the will of the testator or the administrator of his estate shall ¹[within a period of three months from the date of] obtaining probate or letters of administration, notify in the prescribed manner, the contents of such will to the Charity Commissioner and if the Charity Commissioner consent to accept the trust, then upon the execution by such executor or administrator of an instrument in writing transferring the property subject to the trust to the Charity Commissioner, such property shall vest in the Charity Commissioner and shall be held by him upon the trust expressed in the will :

Provided that the consent of the Charity Commissioner shall be recited in the instrument and that such instrument shall be executed by the Charity Commissioner or any officer duly authorised by him in that behalf :

²[Provided further that where, under any law for the time being in force, no probate or letters of administration are necessary for the administration of the estate of the testator, the executor or administrator, as the case may be, shall notify the contents of the will within the period of three months from the time when contents of the will became known to him.]

Power of
Court to
appoint new
trustee or
trustees, as
the case
may be.

47. (1) Any person interested in a public trust or the Charity Commissioner may apply to the Court for the appointment of a new trustee, when a trustee of such trust—

(a) disclaims or dies ;

(b) is for a continuous period of six months absent from India without the leave of the Charity Commissioner or Deputy or Assistant Charity Commissioner or the Officer authorised by the State Government in this behalf ;

(c) leaves India for the purpose of residing abroad ;

(d) is declared an insolvent ;

(e) desires to be discharged from the trust ;

(f) refuses to act as a trustee ;

(g) becomes in the opinion of the Court unfit or physically incapable to act in the trust or accepts a position which is inconsistent with the trust ; or

(h) in any of the cases mentioned in Chapter III is not available to administer the trust.

¹ These words were substituted for the word "after" by Bom. 14 of 1951, s. 12 (i).

² This proviso was added, *ibid.*, s. 12 (ii).

(2) No such application shall be entertained,—

(a) unless the trustee who on account of any of the reasons mentioned in clauses (a) to (h) of sub-section (1) is not fit or available to administer the trust is the sole trustee or unless by the vacation of office by one or more trustees on account of any of the said reasons the minimum number of trustees required by the instrument, scheme, order or decree of the Court or usage or custom of the trust for the administration of the trust is reduced;

(b) (i) until the expiration of a period of three months from the date on which the trustee is not so fit or available to administer the trust; and

(ii) if a new trustee has been appointed in the said office during the said period in accordance with the instrument, scheme, order or decree of the Court, or custom or usage of the trust.

(3) The Court after making an inquiry ¹[may by order appoint] the Charity Commissioner or any other person as the trustee to fill up the vacancy.

(4) In appointing the trustee under sub-section (3) the Court shall have regard—

(a) to the wishes of the author of the trust;

(b) to the wishes of the person, if any, empowered to appoint a new trustee;

(c) to the question whether the appointment will promote or impede the execution of the trust;

(d) to the interest of the public or the section of the public who have interest in the trust; and

(e) to the custom and usage of the trust.

(5) Where the Charity Commissioner is appointed a trustee, he shall be the sole trustee.

(6) The ²[order] of the Court under sub-section (3) shall be deemed to be the decree of the Court and an appeal shall lie therefrom to the High Court.

³[47A. It shall be lawful for the Court upon making any order appointing a new trustee under sub-section (3) of section 47, either by the same or by any subsequent order to direct that any property subject to the trust shall vest in the person so appointed.]

Power to Court to vest property in new trustee.

⁴[47B. Nothing in section 44 or 47—

(a) shall empower any Court to appoint the Charity Commissioner to be a trustee of any public trust for a religious purpose, or

Court not to appoint Charity Commissioner as trustee of religious trust and Charity Commissioner not to accept such

(b) shall entitle the Charity Commissioner to accept any trust, if such acceptance requires the Charity Commissioner to manage the affairs of any religious denomination or any section thereof in the matter of religion :

trust if management of religious affairs is involved.

Provided that if the author of the public trust for a religious purpose so intends, or the person or the authority in whom or which the property of such public trust vests deems it expedient in public interest, the Court may appoint the Charity Commissioner the sole trustee of such public trust or the Charity Commissioner may accept such trust.]

48. (1) When the Charity Commissioner is appointed a trustee of any public trust, there shall be levied such administrative charges whether by way of percentage or otherwise, as the State Government may prescribe.

Levy of administrative charges.

¹ These words were substituted for the words "may appoint" by Bom. 28 of 1953, s. 7 (1).

² This word was substituted for the word "decision", *ibid.*, s. 7 (2).

³ Section 47A was inserted, *ibid.*, s. 8.

⁴ Section 47B was inserted by Bom. 59 of 1954, s. 4.

(2) The charges so levied may be at different rates for different properties or classes of properties or for different duties.

Transfer of property by Charity Commissioner.

49. (1) Nothing in this Act shall be deemed to prevent the transfer, by the Charity Commissioner, of any property vested in him as a trustee, to—

- (a) the original trustee (if any),
- (b) any other lawfully appointed trustee, or
- (c) any other person, if the court so directs.

(2) Upon such transfer, such property shall vest in such trustee and shall be held by him upon the same terms as those upon which it was held prior to the transfer and the Charity Commissioner shall be exempt from all liability as trustee of such property except in respect of acts done before such transfer :

Provided that in the case of any transfer under this section, the Charity Commissioner shall be entitled to retain out of the property any fees and administrative charges leviable in accordance with the provisions of this Act.

Suits relating to public trusts.

50. In any case—

- (i) where it is alleged that there is a breach of a public trust,
- (ii) where a declaration is necessary that a particular property is a property belonging to a public trust or where a direction is required to recover the possession of such property from any person including a person holding adversely to the public trust, or
- (iii) where the direction of the court is deemed necessary for the administration of any public trust,

the Charity Commissioner or two or more persons having an interest in the trust and having obtained the consent in writing of the Charity Commissioner as provided in section 51, may institute a suit whether contentious or not in the court within the local limits of whose jurisdiction the whole or part of the subject matter of the trust is situate, to obtain a decree for any of the following reliefs :—

- (a) an order for the recovery of the possession of such property,
- (b) the removal of any trustee or manager,
- (c) the appointment of a new trustee or manager,
- ¹[(cc) vesting any property in a trustee]
- (d) a direction for taking accounts and making certain inquiries,
- (e) a declaration as to what proportion of the trust property or of the interest therein shall be allocated to any particular object of the trust,
- (f) a direction authorising the whole or any part of the trust property to be let, sold, mortgaged or exchanged,
- (g) the settlement of a scheme or variations or alterations in a scheme already settled, or
- (h) granting such further or other relief as the nature of the case may require :

Provided that no suit claiming any of the reliefs specified in this section shall be instituted in respect of any public trust except in conformity with the provisions thereof.

Consent of Charity Commissioner for institution of suit.

51. (1) If the persons having an interest in any public trust intend to file a suit of the nature specified in section 50, they shall apply to the Charity Commissioner in writing for his consent. The Charity Commissioner, after hearing the parties and after making such inquiry as he thinks fit, may within a period of six months from the date on which the application is made, grant or refuse his consent to the institution of such suit. The order of the Charity Commissioner refusing his consent shall be in writing and shall state the reasons for the refusal.

(2) If the Charity Commissioner refuses his consent to the institution of the suit under sub-section (1) the persons applying for such consent may file an appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, in the manner provided by this Act.

Bom.
XII of
1939.

¹ Clause (cc) was inserted by Bom. 28 of 1953, s. 9.

(3) In every suit filed by persons having interest in any trust under section 50, the Charity Commissioner shall be a necessary party.

(4) Subject to the decision of the Bombay Revenue Tribunal in appeal under section 71, the decision of the Charity Commissioner under sub-section (1) shall be final and conclusive.

V of
1908.

52. ¹[(1) Notwithstanding anything contained in the Code of Civil Procedure, 1908, the provisions of sections 92 and 93 of the said Code shall not apply to the public trusts : Non-application of sections 92 and 93 of Civil Procedure Code to public trusts.

²[³(2) If] on the date of the application of the Act to any public trust any legal proceedings in respect of such trust are pending before ⁴[any Civil Court of competent jurisdiction] to which the Advocate General or the Collector exercising the powers of the Advocate General is a party, the Charity Commissioner shall be deemed to be substituted in those proceedings for the Advocate General or the Collector, as the case may be, and such proceedings shall be disposed of by such Court.]

⁵[(3) Any reference to the Advocate General made in any instrument, scheme, order or decree of any Civil Court of competent jurisdiction made or passed, whether before or after the said date, shall be construed as a reference to the Charity Commissioner.]

53. (1) Where under any will a bequest has been made in favour of a public trust or where such bequest itself creates a public trust, it shall be the duty of the executor under the will to forward a copy thereof to the Deputy or Assistant Charity Commissioner for the region or sub-region where ⁶[such trust] may have been, or is required to be, registered. Bequest under will for benefit of public trust.

(2) No probate of any such will or letters of administration with such will annexed shall be granted by any Court whatsoever unless it is satisfied that a copy of such will has been forwarded to the Deputy or Assistant Charity Commissioner as provided by sub-section (1).

54. (1) Where according to the custom or usage of any business or trade or Dharmada. the agreement between the parties relating to any transaction any amount is charged to any party to the said transaction or collected under whatever name, as being intended to be used for a charitable or religious purpose the amount so charged or collected ⁷[(in this Act called— “ dharmada ”)] shall vest in the person charging or collecting the same as a trustee.

(2) Any person charging or collecting such sums shall within three months from the expiration of the year for which his accounts are ordinarily kept submit an account in such form as may be prescribed to the Deputy or Assistant Charity Commissioner.

(3) The Deputy or Assistant Charity Commissioner shall have power to make such inquiry as he thinks fit to verify the correctness of the account submitted and may pass order for the disposal of the amount in the manner prescribed.

⁸[(4) The provisions of Chapter IV shall not apply to dharmada.]

¹ Section 52 was re-numbered as sub-section (1) of that section by Bom. 28 of 1953, s. 10 (1).

² This portion was added by Bom. 14 of 1951, s. 13.

³ The brackets, figure and word “ (2) ” were substituted for the words “ Provided that if ” by Bom. 28 of 1953, s. 10 (1).

⁴ These words were substituted for the words “ any Court including the High Court ”, *ibid.*, s. 10 (2).

⁵ Sub-section (3) was inserted, *ibid.*, s. 10 (3).

⁶ These words were substituted for the words “ such will ”, *ibid.*, s. 11.

⁷ These brackets and words were inserted by Bom. 14 of 1951, s. 14 (i).

⁸ Sub-section (4) was added, *ibid.*, s. 14 (ii).

Cypres.

55. (1) ¹[If upon an application made to him or otherwise] the Charity Commissioner is of opinion that—

- (a) the original object for which the public trust was created has failed,
- (b) the income or any surplus balance of any public trust has not been utilized or is not likely to be utilized,
- (c) ²[in the case of a public trust other than a trust for a religious purpose, it is not in public interest] expedient, practicable, desirable, necessary or proper to carry out wholly or partially the original intention of the author of the public trust or the object for which the public trust was created and that the property or the income of the public trust or any portion thereof should be applied to any other charitable or religious object,
- (d) in any of the cases mentioned in sections 10 to 13 or in regard to the appropriation of the dharmada sums held in trust under section 54 the directions of the court are necessary,

the Charity Commissioner shall ³[require the trustees to apply within the prescribed time for directions to the Court within the local limits of whose jurisdiction the whole or part of the subject matter of the trust is situate].

(2) If the trustees fail to make the application as required under sub-section (1) or if the Charity Commissioner himself is a trustee or if there is no trustee of the public trust, the Charity Commissioner shall make an application to the court.

Court's power
to hear
application.

56. (1) On such application being made, the court after hearing the parties and making an inquiry shall decide the matter and shall give directions. In giving the directions, the court shall, so far as may be expedient, practicable, desirable ⁴[, necessary or proper] in public interest, give effect to the original intention of the author of the public trust or the object for which the public trust was created. If the Court is of opinion that the carrying out of such intention or object is not wholly or partially expedient, practicable, desirable ⁴[, necessary or proper] in public interest, the court may direct the property or income of the public trust or any portion thereof to be applied *cypres* to any other charitable or religious object. In doing so, it shall be lawful for the court to alter any scheme already settled or to vary the terms of any decree or order already passed in respect of the public trust or the conditions contained in the instrument of the public trust.

(2) Any decision or order passed by the court under sub-section (1) shall be deemed to be a decree of such court and an appeal shall lie therefrom to the High Court.

Powers of
trustee to
apply for
directions.

⁵[56A. (1) Save as hereinbefore provided in this Act, any trustee of a public trust may apply to the Court, within the local limits of whose jurisdiction the whole or part of the subject-matter of the trust is situate, for the opinion, advice or direction of the Court on any question affecting the management or administration of the trust property or income thereof, and the Court shall give its opinion, advice, or direction, as the case may be, thereon :

Provided that the Court shall not be bound to give such opinion, advice or direction on any question which it considers to be a question not proper for summary disposal.

¹ These words were substituted for the words "If at any time" by Bom. 28 of 1953, s. 12 (i).

² These words were substituted for the words "it is not in public interest" by Bom. 59 of 1954, s. 5.

³ These words were substituted for the words "give notice in writing to the trustees to apply to the Court within the time prescribed for directions" by Bom. 28 of 1953, s. 12 (ii).

⁴ These words were substituted for the words "or necessary" by Bom. 59 of 1954, s. 6.

⁵ Sections 56A and 56B were inserted by Bom. 28 of 1953, s. 13.

(g) power to sanction a sale, mortgage, exchange, gift or lease of immovable property belonging to a public trust under section 36 ;

(h) power to enter on and inspect any trust property, to call for and inspect any proceedings of a trustee, and to call for any return, statement, account or report from trustees or any person connected with a public trust under section 37 ;

(i) power to hold an inquiry in regard to any loss caused to a public trust under section 40, and to order a surcharge under section 41 ;

VI of 1890. (j) power to act as the Treasurer of Charitable Endowments under the Charitable Endowments Act, 1890, under section 43 ;

(k) power to act as a trustee of a public trust ;

(l) power to file a suit under section 50 ;

(m) power to give or refuse consent to the institution of a suit under section 51 ;

(n) power to give notice to trustees for the *cypres* application of the trust money and to make an application to the court under section 55 ;

(o) power to publish the lists of assessors under section 62 ;

(p) to exercise such other powers and perform such other duties and functions as may be prescribed.

70. (1) An appeal ¹[against the finding or order] of the Deputy or Assistant Charity Commissioner may be filed to the Charity Commissioner in the following cases :—

Appeals from findings of Deputy or Assistant Charity Commissioner.

(a) the finding ²[and order, if any,] under section 20 ;

(b) the finding under section 22 ;

³[(b-1) the finding under section 22A ;]

(c) the finding under section 28 ;

(d) the order under sub-section (3) of section 54.

(2) No appeal shall be maintainable after the expiration of sixty days from the recording of the finding or the passing of the order, as the case may be.

(3) The Charity Commissioner may, after hearing the appellant or any person appearing on his behalf, for reasons to be recorded in writing either annul, reverse, modify or confirm the finding or the order appealed against or he may direct the Deputy or Assistant Charity Commissioner to make further inquiry or to take such additional evidence as he may think necessary or he may himself take such additional evidence.

¹ These words were substituted for the words "against the finding" by Bom. 28 of 1953, s. 15 (i).

² These words were inserted, *ibid.*, s. 15 (ii).

³ Clause (b-1) was inserted by Bom. 59 of 1954, s. 7.

Charity
Commissioner
to call for
and examine
record and
proceedings
before
Deputy or
Assistant
Charity
Commis-
sioner.

¹[70A. (1) The Charity Commissioner may in any of the cases mentioned in section 70, call for and examine the record and proceedings of such case before any Deputy or Assistant Charity Commissioner for the purpose of satisfying himself as to the correctness of any finding or order recorded or passed by the Deputy or Assistant Charity Commissioner and may either annul, reverse, modify or confirm the said finding or order or may direct the Deputy or Assistant Charity Commissioner to make further inquiry or take such additional evidence as he may think necessary or he may himself take such additional evidence :

Provided that the Charity Commissioner shall not record or pass any order without giving the party affected thereby an opportunity of being heard.

(2) Nothing in sub-section (1) shall entitle the Charity Commissioner to call for and examine the record of any case,—

(a) during the period in which an appeal under section 70 can lie against any finding recorded by the Assistant or Deputy Charity Commissioner in such case, or

(b) in which an order has been passed either in an appeal made under section 70 or 71 or on an application under section 72.]

Appeal to
Bombay
Revenue
Tribunal.

71. (1) The appeal to the Bombay Revenue Tribunal under sub-section (2) of section 51 against the decision of the Charity Commissioner refusing consent to the institution of the suit shall be filed within sixty days from the date of such decision in such form and shall be accompanied by such fee as may be prescribed.

(2) The Bombay Revenue Tribunal after making such inquiry as it thinks fit may confirm, revoke or modify the decision of the Charity Commissioner.

(3) The decision of the Bombay Revenue Tribunal shall be final and conclusive.

Application
from Charity
Commis-
sioner's
decision
under section
40, 41 or 70,
etc.

72. (1) Any person aggrieved by the decision of the Charity Commissioner under section 40, 41 ²[70 or 70A] on the questions ³[whether a trust exists and whether such trust is a public trust] or whether any property is the property of such trust ⁴* * * may, within sixty days from the date of the decision, apply to the court to set aside the said decision.

⁵[(1A) No party to such application shall be entitled to produce additional evidence, whether oral or documentary, before the Court unless the Deputy or Assistant Charity Commissioner or the Charity Commissioner has refused to admit evidence which ought to have been admitted or the Court requires any document to be produced or any witness to be examined to enable it to pronounce judgment or for any other substantial cause the Court thinks it necessary to allow such additional evidence :

Provided that whenever additional evidence is allowed to be produced by the Court, the Court shall record the reason for its admission.]

¹ Section 70A was inserted by Bom. 59 of 1954, s. 8.

² The figures, word and letter “ , 70 or 70A ” were substituted for the word and figures “ or 70 ” by Bom. 59 of 1954, s. 9 (1).

³ These words were substituted for the words “ whether a trust is a public trust ” by Bom. 14 of 1951, s. 19 (i).

⁴ The words and figures “ under Chapter IV ” were deleted, *ibid.*, s. 19 (ii).

⁵ Sub-section (1A) was inserted by Bom. 59 of 1954, s. 9 (2).

(2) The court after taking ¹[evidence, if any,] may confirm, revoke or modify the decision or remit the amount of the surcharge and make such orders as to costs as it thinks proper in the circumstances.

(3) Pending the disposal of an application under sub-section (2), all proceedings for surcharge shall be stayed if the person aggrieved makes out a *prima facie* case for a stay order.

(4) An appeal shall lie to the High Court against the decision of the court under sub-section (2) as if such decision was a decree from which an appeal ordinarily lies.

V of 1908. 73. In holding inquiries under this Act, the officer holding the same shall have the same powers as are vested in courts in respect of the following matters under the Code of Civil Procedure, 1908, in trying a suit—

Officers holding inquiries to have powers of civil court.

(a) proof of facts by affidavits,

(b) summoning and enforcing the attendance of any person and examining him on oath,

(c) compelling the production of documents,

(d) issuing of commissions.

XLV of 1860. 74. All inquiries and appeals under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

Inquiries to be judicial inquiries.

IX of 1908. 75. In computing the period of appeal under this Chapter, the provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeals.

Limitation.

V of 1908. 76. Save in so far as they may be inconsistent with anything contained in this Act, the provisions of the Code of Civil Procedure, 1908, shall apply to all proceedings before the court under this Act.

Civil Procedure Code to apply to proceedings under this Act.

77. All sums payable under section 18, ²[20], 41, ³[48, 79A, ⁴[79C or 79CC]] or under any rule, if not paid, shall notwithstanding anything contained in any law, be recoverable as an arrear of land revenue.

Recovery of sums due under section 18, ⁵[20, 41, 48, 79A, 79C or 79CC] or rules.

¹ These words were substituted for the words "such evidence as it thinks necessary" by Bom. 59 of 1954, s. 9 (3).

² These figures were inserted by Bom. 28 of 1953, s. 16 (a).

³ These figures, letters and word were substituted for the word and figures "or 48" by Bom. 14 of 1951, s. 20.

⁴ The figures, letters and word "79C or 79CC" were substituted for the word, figures and letter "or 79C" by Bom. 28 of 1953, s. 16 (b).

⁵ These were substituted for the figures, letters and word "41, 48, 79A or 79C," by Bom. 21 of 1954, s. 3, Second Schedule.

BOMBAY REGULATION No. I OF 1950.

[THE BOMBAY BUILDING (CONTROL ON ERECTION) REGULATION, 1950.]

[24th October 1950]

A Regulation to provide for the control on erection and re-erection of buildings in the Scheduled areas in the State of Bombay.

WHEREAS it is necessary to provide for the control on erection and re-erection of buildings in the Scheduled Areas in the State of Bombay ;

AND WHEREAS it is necessary to provide for the aforesaid matter for the peace and good government of the said areas ;

NOW, THEREFORE, in exercise of the powers conferred by sub-paragraph (2) of paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Bombay is, with the assent of the President, hereby pleased to make the following Regulation, namely :—

1. (1) This Regulation may be called the Bombay Building (Control on Erection) Regulation, 1950. Short title,
extent,
commence-
ment and
application.

(2) It extends to the Scheduled Areas in the State of Bombay.

(3) It shall come into force at once.

(4) It shall apply only to buildings which are intended to be used for the purpose of a theatre, a cinema or any other place of public amusement.

2. Section 2 to 14A of the Bombay Building (Control on Erection) Act, 1948 (Bom. XXXI of 1948), as amended, shall, so far as may be, apply to the Scheduled Areas in the State of Bombay. Application
of Bom.
XXXI of
1948 to
Scheduled
Areas.

SECTIONS.

- 142. Penalty for entering area from which person has been directed to remove himself.
- 143. Penalty for failure to surrender in accordance with sub-section (3) of section 63.
- 143A. Penalty for contravention of orders under section 63A.
- 144. Neglect or refusal to serve as special Police Officer.
- 145. Penalty for making false statement, etc., and for misconduct of Police Officers.
Consequence of failure to return to duty after leave.
- 146. Penalty for failure to deliver up certificate of appointment or of office or other article.
- 147. Vexatious entry, search, arrest, etc., by Police Officer.
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SCHEDULE I.

SCHEDULE II.

SCHEDULE III.

BOMBAY ACT No. XXII OF 1951.¹

[THE BOMBAY POLICE ACT, 1951.]

[11th June 1951]

Amended by Bom. 21 of 1952.

" " " 18 of 1953.

" " " 20 of 1953.

" " " 21 of 1954.

" " " 28 of 1954.

" " " 57 of 1954.

An Act to consolidate and amend the law for the regulation of the Police Force in the State of Bombay.

WHEREAS it is expedient to amalgamate the District and Greater Bombay Police Forces in the State of Bombay into one common Police Force and to introduce uniform methods regarding the working and control of the said Force throughout the State; And whereas it is necessary to consolidate and amend the law relating to the regulation of the said Force and the exercise of powers and performance of functions by the State Government and by the members of the said Force for the maintenance of public order; And whereas it is necessary to provide for certain other purposes hereinafter appearing; It is hereby enacted as follows:—

CHAPTER I.*Preliminary.*

1. (1) This Act may be called the Bombay Police Act, 1951.

(2) It extends to the whole of the State of Bombay.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, specify in this behalf.Short title,
extent and
commence-
ment.2. In this Act, unless there is anything repugnant in the subject or context,— **Definitions.**

(1) "cattle" includes elephants, camels, horses, asses, mules, sheep, goats and swine;

(2) "Corporation" means a Corporation constituted under the Bombay Municipal Corporation Act or the Bombay Provincial Municipal Corporations Act, 1949;

Bom.
III of
1888.
Bom.
LIX of
1949.

(3) the expression "competent authority" when used with reference to the exercise or performance of any power, duty or function, under the provisions of this Act, means—

(a) in relation to Greater Bombay, and other areas for which a Commissioner of Police is appointed under section 7, the Commissioner;

(b) in relation to the areas other than those referred to in clause (a) the District Magistrate or the District Superintendent or the Additional Superintendent when specially empowered in that behalf by the State Government;

(4) "constable" means a police officer of the lowest grade;

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1950, Part V, page 324; for Report of the Select Committee, see *ibid.*, 1951, Part V, pages 34-38.

(5) "district" means a territorial division constituting a district for the purposes of the Code of Criminal Procedure, 1898, but does not include Greater V of Bombay ; 1898.

(6) "Inspector-General", "Additional Inspector-General", "Commissioner", "Deputy Inspector-General", "Deputy Commissioner", "Assistant Commissioner", "District Superintendent", "Additional Superintendent", "Assistant Superintendent" and "Deputy Superintendent", means respectively the Inspector-General of Police, the Additional Inspector-General of Police, a Commissioner of Police including an Additional Commissioner of Police, a Deputy Inspector-General of Police, a Deputy Commissioner of Police, an Assistant Commissioner of Police, a District Superintendent of Police, an Additional Superintendent of Police, and Assistant Superintendent of Police and a Deputy Superintendent of Police appointed or deemed to be appointed under this Act ;

(7) "municipality" means a municipality constituted or deemed to be constituted under the Bombay Municipal Boroughs Act, 1925, or the Bombay District Municipal Act, 1901 ; Bom. XVIII of 1925. Bom. III of 1901.

(8) "place" includes a building, a tent, a booth or other erection, whether permanent or temporary, or any area whether enclosed or open ;

(9) "place of public amusement" means any place where music, singing, dancing, or any diversion or game, or the means of carrying on the same, is provided and to which the public are admitted either on payment of money or with the intention that money may be collected from those admitted and includes a race course, circus, theatre, Music hall, billiard room, bagatelle room, gymnasium, fencing school, swimming pool or dancing hall ;

(10) "place of public entertainment" means any place to which the public are admitted, and where any kind of food or drink is supplied for consumption on the premises by any person owning or having an interest in or managing such place and includes a refreshment room, eating-house, coffee-house, liquor-house, boarding house, lodging house, hotel, tavern or wine, beer, spirit arrack, toddy, ganja, bhang or opium shop ¹[or a shop where any kind of food or drink is supplied to the public for consumption in or near such shop] ;

(11) "Police officer" means any member of the Police Force appointed or deemed to be appointed under this Act, and includes a special or an additional Police officer appointed under section 21 or 22 ;

(12) "prescribed" means prescribed by rules ;

(13) "public place" includes the foreshore, the precincts of every public building or monument, and all places accessible to the public for drawing water, washing or bathing or for the purpose of recreation ;

(14) "rules" means rules made under this Act ;

(15) "street" includes any highway, bridge, way over a causeway, viaduct, arch, quay or wharf or any road, lane, footway, square, court, alley or passage accessible to the public, whether a thoroughfare or not ;

(16) "Subordinate ranks" means members of the Police Force below the rank of the Inspector ;

(17) "vehicle" means any carriage, cart, van, dray, truck, hand cart or other conveyance of any description and includes a bicycle, a tricycle, a rickshaw, an automatic car, a vessel or an aeroplane.

¹ These words were added by Bom. 57 of 1954, s. 2.

9. The State Government may appoint any Police Officer not below the rank of a District Superintendent to be the Principal of the Central Police Training School, Nasik, and may assign to him such powers functions and duties as it may think fit. Principal,
Central
Police Train-
ing School,
Nasik.

10. (1) The State Government may appoint one or more Deputy Commissioners and one or more Assistant Commissioners of Police in Greater Bombay or in any area in which a Commissioner has been appointed under clause (a) of section 7. Duties and
Assistants to
Commis-
sioner.

(2) Every such Deputy or Assistant Commissioner shall, under the orders of the Commissioner, exercise and perform any of the powers, functions and duties of the Commissioner to be exercised or performed by him under the provisions of this Act or any other law for the time being in force in accordance with the general or special orders of the State Government made in this behalf ;

Provided that the powers to be exercised by the Commissioner ¹[of making, altering or rescinding rules under section 33] shall not be exercisable by a Deputy or Assistant Commissioner.

11. (1) The State Government may appoint for Greater Bombay such number of Superintendents of Police as it may think expedient. Superinten-
dent in
Greater
Bombay.

(2) A Superintendent appointed under sub-section (1) shall exercise such powers and perform such duties and functions as can be exercised or performed under the provisions of this Act or any other law for the time being in force or as are assigned to him by the Commissioner under the general or special orders of the State Government ;

Provided that the powers to be exercised by the Commissioner under section 13 or 33 shall not be exercisable by the Superintendent.

12. (1) Subject to the control of the State Government, the Commissioner for Greater Bombay shall, if he thinks fit— Constitution
of divisions
and sections.

(a) constitute within the Greater Bombay, Police divisions,

(b) sub-divide the same into sections, and

(c) define the limits and extent of such divisions and sections.

(2) Each such division shall be in charge of a Superintendent of Police and each section shall be in charge of an Inspector of Police. Officers in
charge of
divisions and
sections.

¹[12A. Subject to the general or special orders of the State Government the Commissioner for the area for which he is appointed and the Inspector-General for other areas shall appoint Inspectors.] Inspectors.

13. [*Inspector-General and Commissioner to exercise the powers of First Class Magistrate and Presidency Magistrate.*] Deleted by Bom. XXI of 1954, Second Sch.

¹ These words and figures were substituted for the words and figures " under section 13 or 33 " by Bom. 57 of 1954, s. 3.

² Section 12A was inserted by Bom. 28 of 1954, s. 2.

Certificate of
appointment.

14. (1) Every Police officer ^{1*} * ²[of the grade of Inspector or below], shall on appointment receive a certificate in form provided in Schedule II. The certificate shall be issued under the seal of such officer as the State Government may by general or special order direct.

(2) A certificate of appointment shall become null and void whenever the person named therein ceases to belong to the Police Force or shall remain inoperative during the period within which such person is suspended from such Force.

Effect of
suspension
of Police
officer.

15. The powers, functions and privileges vested in a police shall remain suspended whilst such Police officer is under suspension from office :

Provided that notwithstanding such suspension such person shall not cease to be a Police officer and shall continue to be subject to the control of the same authorities to which he would have been, if he was not under suspension.

General
powers of
Commissioner
and District
Superinten-
dent.

16. The Commissioner, subject to the orders of the Inspector General, and the District Superintendent, subject to the orders of the Inspector General and the District Magistrate, shall, within their respective spheres of authority direct and regulate all matters of arms, drill, exercise observation of persons and events, mutual relations, distribution of duties, study of laws, orders and modes of proceedings and all matters of executive detail or the fulfilment of their duties by the Police Force under him.

Control of
District
Magistrate
over Police
Force in
district.

17. (1) The District Superintendent and the Police Force of a district shall be under the control of the District Magistrate.

(2) In exercising such control the District Magistrate shall be governed by such rules and orders as the State Government may make in this behalf.

Power of
District
Magistrate
to require
reports from
District
Superinten-
dent.

18. The District Magistrate may require from the District Superintendent reports, either particular or general, on any matter connected with the crimes, habitual offenders, the prevention of disorder, the regulation of assemblies and amusements, the distribution of the Police Force, the conduct and character of any Police officer subordinate to the District Superintendent, the utilization of auxiliary means and all other matters in furtherance of his control of the Police Force and the maintenance of order.

Power of
supervision
by District
magistrates.

19. If the District Magistrate observes any marked incompetence or unfitness for the locality or for his particular duties, in any Police officer subordinate to the District Superintendent, he may require the District Superintendent to substitute another officer for any officer whom he has power to transfer and the District Superintendent shall be bound to comply with the requisition :

Provided that if the Police officer concerned is an officer ³[of a grade higher than that of an Inspector] the District Magistrate may report his conduct to the Inspector General. The Inspector General may, thereafter, determine the action to be taken and pass such orders as he thinks fit, and shall communicate such action or order to the District Magistrate.

¹ The words "of and" were deleted by Bom. 20 of 1953, s. 3.

² These words were substituted for the words "below the grade of Inspector" by Bom. 28 of 1954 s. 3.

³ These words were substituted for the words "of the grade of the Inspector or of a higher grade" *ibid.*, s. 4.

25. (1) The State Government, or any officer authorised by sub-section (2) Punishment of the members of the subordinate ranks of the Police Force whom he shall think cruel, perverse, remiss or negligent in the discharge of his duty or unfit for the same, and may fine to an amount not exceeding one month's pay, any member of the subordinate ranks of the Police Force, who is guilty of any breach of discipline or misconduct or any act rendering him unfit for the discharge of his duty, which does not require his suspension or dismissal.

(2) (a) The Inspector-General, the Commissioner and the Deputy Inspector-General shall have authority to punish ²[an Inspector or] any member of the subordinate ranks under sub-section (1). A District Superintendent shall have the like authority in respect of any Police officer subordinate to him below the grade of Inspector ³[and may suspend an Inspector who is subordinate to him pending inquiry into a complaint against such Inspector and until an order of the Inspector-General or Deputy Inspector-General can be obtained.]

(b) The Principal of the Central Police Training School, Nasik, shall also have the like authority in respect of any member of the subordinate ranks of the Police Force below the grade of Inspector serving under him, and in respect of head constables and constables belonging to the Police Force of the Nasik District or of any other district attached to the said school for duty under him. ⁴[He may also suspend an Inspector who is subordinate to him pending inquiry into a complaint against such Inspector and until an order of the Inspector-General or Deputy Inspector-General can be obtained.]

⁵[(bb) A Superintendent of Police appointed under section 8A for the Police Wireless System or the Police Motor Transport System or for performing any specific duties shall have the like authority in respect of any Police officer subordinate to him below the grade of Inspector].

(c) The exercise of any power conferred by this sub-section shall be subject always to such rules and orders as may be made by the State Government in that behalf.

(3) Nothing in sub-sections (1) and (2)—

(a) shall affect any Police officer's liability to a criminal prosecution for any offence with which he may be charged ; or

(b) shall entitle any authority subordinate to that by which the Police officer was appointed, to dismiss or remove him.

26. When any officer passes an order for fining, suspending, reducing, removing or dismissing a Police officer, he shall record such order or cause the same to be recorded, together with the reasons therefor and a note of the inquiry made, in writing, under his signature :

Provided that ⁶[no order for reducing, removing or dismissing a Police officer] shall be passed without giving him a reasonable opportunity of showing cause against the action proposed to be taken against him except in cases referred to in the proviso (a) to clause (2) of Article 311 of the Constitution.

27. An appeal against any order passed against a Police officer under section 25 or the rules or orders thereunder shall lie to the State Government itself or to such officer as the State Government may by general or special order specify.

¹ The words "an Inspector or" were inserted by Bom. 28 of 1954, s. 5 (1).

² The words "an Inspector or" were inserted, *ibid.*, s. 5 (2) (i).

³ These words were deleted by Bom. 20 of 1953, s. 4 (1) and again inserted by Bom. 28 of 1954,

s. 5 (2) (ii).

⁴ These words were deleted by Bom. 20 of 1953, s. 4 (2) and again inserted by Bom. 28 of 1954,

s. 5 (3).

⁵ Clause (bb) was inserted by Bom. 20 of 1953, s. 4 (3).

⁶ These words were substituted for the words "no such order" by Bom. 57 of 1954, s. 4.

Police officers to be deemed to be always on duty and to be liable to employment in any part of the State.

28. (1) Every Police officer not on leave or under suspension shall for all purposes of this Act be deemed to be always on duty, and any Police officer or any number or body of Police officers allocated for duty in one part of the State may, if the State Government or the Inspector-General so directs, at any time be employed on Police duty in any other part of the State for so long as the services of the same may be there required.

Intimation of proposed transfers to be given by the Inspector-General to the Commissioner and District Magistrate.

(2) Timely intimation shall, except in cases of extreme urgency, be given to the Commissioner and the District Magistrate by the Inspector-General of any proposed transfer under this section, and, except, where secrecy is necessary the reasons for the transfer shall be explained; whereupon the officers aforesaid and their subordinates shall give all reasonable furtherance to such transfer.

Under what conditions Police officer may resign.

29. ¹[(1) No Police officer ²[of the grade of Inspector or] of the subordinate ranks shall resign his office or, withdraw himself from the duties thereof, except with the written permission of the Commissioner or the Deputy Inspector-General, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or of the District Superintendent or of some other Police officer empowered by the Inspector-General or the Commissioner to grant such permission :

Provided that, subject to the provisions of sub-section (2), no such permission shall be granted to any such Police officer until he has fully discharged any debt due by him as such Police officer to Government or to any Police fund].

(2) If any such Police officer produces a certificate signed by the Police Surgeon or the Civil Surgeon declaring him to be unfit by reason of disease or mental or physical incapacity for further service in the Police, the necessary written permission to resign shall forthwith be granted to him on his discharging or giving satisfactory security for the payment of any debt due by him as such Police officer, to Government or to any Police fund.

Arrear of pay of a Police officer contravening this section may be forfeited.

(3) If any such Police officer as aforesaid resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable on the order of the Commissioner, or the Deputy Inspector-General, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or of the District Superintendent, as the case may be, to forfeit all arrears of pay then, due to him. This forfeiture shall be in addition to the penalty to which the said officer is liable under section 145 of this Act or any other law in force.

Certificate, arms, etc., to be delivered up by person ceasing to be a Police officer and

30. (1) Every person who for any reason ceases to be a Police officer shall forthwith deliver up to some officer empowered by the Commissioner, or the Deputy Inspector-General, Criminal Investigation Department, or the Principal of the Central Police Training School, Nasik, or the District Superintendent to whom such Police officer is subordinate to receive the same, his certificate of appointment or of office and the arms, accoutrements, clothing and other necessities which have been furnished to him for the performance of duties and functions connected with his office.

¹ Sub-section (1) was substituted for the original by Bom. 20 of 1953, s. 5.

² These words were inserted by Bom. 28 of 1954, s. 6.

152. Nothing in this Act shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this Act or from being prosecuted and punished under this Act for an offence punishable under any other enactment: Prosecution for offences under other enactments not affected.

V of
1889

[Provided that all such cases shall be subject to the provisions of section 403 of the Code of Criminal Procedure, 1898.

CHAPTER VIII.

Miscellaneous.

153. All fees paid for licences or written permissions issued under this Act, and all sums paid for the service of processes by Police officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to Police officers as informers, shall, save in so far as any such fees or sums belong under the provisions of any enactment in force to any local authority, be credited to the State Government: Disposal of fees, rewards etc.

Provided that with the sanction of the State Government, or under any rule made by the State Government in that behalf, the whole or any portion of any such reward, forfeiture or penalty may for special services, be paid to a Police officer, or be divided amongst two or more Police officers.

154. No municipal or other local rates shall be payable by the State Government on account of the occupation or use of any house or place in any area other than Greater Bombay by members of the Police Force for the convenient performance of their duties. No municipal or other rates to be payable by State Government on Police buildings.

155. Any order or notification published or issued by the State Government or by a Magistrate or officer under any provision of this Act, and the due publication or issue thereof, may be proved by the production of a copy thereof in the *Official Gazette*, or of a copy thereof signed by such Magistrate or officer, and by him certified to be a true copy of an original published or issued according to the provisions of the section of this Act applicable thereto. Method of proving orders and notifications.

156. No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision of this Act or of any rule made under this Act, or in substantial conformity to the same, shall be deemed illegal, void, invalid or insufficient by reason of any defect of form or any irregularity of procedure. Rules and orders not invalidated by defect of form or irregularity in procedure.

157. Notwithstanding anything contained in any law for the time being in force, in a prosecution for an offence for the contravention of a direction issued under section 55, 56 or 57 on the production of an authentic copy of the order, it shall, until the contrary is proved and the burden of proving which shall lie on the accused, be presumed— Presumption in prosecutions for contravention of directions issued under section 55, 56, or 57.

(a) that the order was made by the authority competent under this Act to make it;

(b) that the authority making the order was satisfied that the grounds on or the purpose for which it was made existed, and that it was necessary to make the same; and

(c) that the order was otherwise valid and in conformity with the provisions of this Act.

Officers holding charge of, or succeeding to, vacancies competent to exercise powers.

[157A. Whenever in consequence of the office of a Commissioner, Magistrate or Police officer becoming vacant, any officer holds charge of the post of such Commissioner, Magistrate or Police officer or succeeds, either temporarily or permanently, to his office, such officer shall be competent to exercise all the powers and perform all the duties respectively conferred and imposed by this Act on such Commissioner, Magistrate or Police officer, as the case may be.]

Forfeiture of bond entered into by person permitted to enter or return to the area from which he was directed to remove himself.

158. If any person permitted under sub-section (1) of section 63 fails to observe any condition imposed under the said sub-section or in the bond entered into by him under sub-section (2) of the said section his bond shall be forfeited and any person bound thereby shall pay the penalty thereof or show cause to the satisfaction of the Court why such penalty should not be paid.

No Magistrate or Police officer to be liable to penalty or damage for act done in good faith in pursuance of duty.

159. No Magistrate or Police officer shall be liable to any penalty or to payment of damages on account of an act done in good faith, in pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Act or any other law for the time being in force or any rule, order or direction made or given therein.

No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.

160. No public servant or person duly appointed or authorised shall be liable to any penalty or to payment of any damages for giving effect in good faith to any such order or direction issued with apparent authority by the State Government or by a person empowered in that behalf under this Act or any rule, order or direction made or given thereunder.

Suits or prosecutions in respect of acts done under colour of duty as aforesaid not to be entertained, or to be dismissed, if not instituted within six months.

161. (1) In any case of alleged offence by the Commissioner, a Magistrate, Police officer or other person, or of a wrong alleged to have been done by such Commissioner, Magistrate, Police officer or other person, by any act done under colour or in excess of any such duty or authority as aforesaid, or wherein it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted, more than six months after the date of the act complained of.

In suits as aforesaid one month's notice of suit to be given with sufficient description of wrong complained of

(2) In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrong-doer one month's notice at least of the intended suit with a sufficient description of the wrong complained of, failing which such suit shall be dismissed.

BOMBAY ACT No. XXV OF 1951.¹[THE BOMBAY LEGISLATURE MEMBERS (REMOVAL OF DISQUALIFICATIONS)
ACT, 1951.]

[20th September 1951]

Amended by Bom. 15 of 1953.

" " " 21 of 1954.

" " " 40 of 1954.

An Act to provide for the removal of certain disqualifications for being chosen as, and for being, a member of the Bombay Legislative Assembly and the Bombay Legislative Council.

WHEREAS by the Constitution of India, provision has been made for declaring by Act of the State Legislature any office of profit under the Government of India or the Government of any State specified in the First Schedule to the said Constitution not to disqualify its holder for being chosen as, and for being, a member of a State Legislature; And whereas it is expedient to make such declaration: It is hereby enacted as follows:—

1. This Act may be called the Bombay Legislature Members (Removal of Short title. Disqualifications) Act, 1951.

2. A person shall not be disqualified for being chosen as or for being a member of the Bombay Legislative Assembly or the Bombay Legislative Council merely by reason of the fact that he holds any of the offices specified in the Schedule appended hereto.

Bom. 1937. 3. The Bombay Legislature Members (Removal of Disqualifications) Act, 1937, is hereby repealed.

4. The provisions of this Act shall be deemed to have come into force on the 26th day of January 1950.

Act to come into force on 26th January 1950.

SCHEDULE.

1. The office of the Parliamentary Secretaries to the Ministers of the Government of Bombay.

2. The office of part-time professors or lecturers in a Government college.

3. Any office in the National Cadet Corps or the Territorial Army.

4. The office of the Secretaries of the ²[District Development Boards constituted by the State Government (by whatever name called)]:

Provided that the holders of such office do not hold any other office of profit under the State Government.

³[5. The office of an Honorary Medical Officer or Honorary Assistant Medical Officer in a hospital under Government management.]

Bom. 1953. ⁴[5A. The office of the Chairman or member of the Bombay Labour Welfare Board constituted under the Bombay Labour Welfare Fund Act, 1953.]

6. The office of the Chairman or member of any committee or body appointed by the Central or a State Government:

Provided that the Chairman or any member of such committee or body does not receive any remuneration other than the compensatory allowance.

Explanation.—For the purposes of this entry, "compensatory allowance" shall mean the travelling allowance, the daily allowance or such other allowance which is paid to the holder of the office for the purpose of reimbursing the personal expenditure incurred by him in attending the meeting of the committee or body or performing any other functions as the holder of the said office.]

¹ For Statement of Objects and Reasons see *Bombay Government Gazette*, 1951, Part V, page 259.

² These words were substituted for the original by Bom. 21 of 1954, s. 3, Second Sch.

³ Entries 5 and 6 were added by Bom. 15 of 1953, s. 2. This amendment shall be deemed to have come into force with effect from the 26th day of January 1950 (*vide* s. 3 of Bom. 15 of 1953).

⁴ Entry 5A was inserted by Bom. 40 of 1954, s. 2. This amendment shall be deemed to have been made and to have come into force on and from 1st day of July 1953 (*vide* s. 4 of Bom. 40 of 1954).

THE BOMBAY STATE RESERVE POLICE FORCE ACT, 1951.

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SCHEDULE A.

SCHEDULE B.

BOMBAY ACT No. XXXVIII OF 1951.¹

[THE BOMBAY STATE RESERVE POLICE FORCE ACT, 1951.]

[23rd October 1951]

Amended by Bom. 48 of 1954.

An Act to provide for the constitution and regulation of an armed Reserve Police Force in the State of Bombay.

WHEREAS it is expedient to provide for the constitution and regulation of an armed Reserve Police Force in the State of Bombay; It is hereby enacted as follows :—

1. (1) This Act may be called the Bombay State Reserve Police Force Act, 1951. Short title,
extent, com-
mencement
and applica-
tion.
- (2) It extends to the whole of the State of Bombay.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.
- (4) It shall apply to the members of the State Reserve Police Force, wherever they may be.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(a) 'active duty' means—

(i) the duty to investigate offences involving a breach of peace or danger to life or property and to search for and apprehend persons concerned in such offences or who are so desperate and dangerous as to render their being at large hazardous to the community;

(ii) the duty to take all adequate measures for the extinguishing of fires or to prevent damage to person or property on the occasion of such occurrences as fires, floods, earthquakes, enemy action or riots and to restore peace and preserve order on such occasions;

(iii) such other duty as may be specified to be active duty by the State Government or the Inspector-General in a direction issued under section 10.

(b) 'Commandant' and 'Assistant Commandant' mean respectively persons appointed to those offices by the State Government under section 5.

(c) 'Commissioner of Police' and 'Deputy Commissioner' mean respectively a Commissioner of Police and a Deputy Commissioner of Police appointed under the Bombay Police Act, 1951.

(d) 'Follower' means any person appointed to do the work of a cook, mess servant, washerman, cobbler, barber, tailor, sweeper or an orderly in connection with the State Reserve Police Force;

(e) 'members of the subordinate ranks' means members of the State Reserve Police Force below the rank of ²[Battalion Commander or Commander of Head Quarters Wing];

¹ For Statement of Objects and Reasons see *Bombay Government Gazette*, 1951, Part V, page 320.

² These words were substituted for the words "Adjutant or Battalion Commander" by Bom.-48 of 1954, s. 2.

(f) 'Police Officer' means every police officer as defined by the Police Act, 1861, or the Bombay Police Act, 1951 ;

V of
18 1.
Bom.
XXII
of
1951.

(g) 'Prescribed' means prescribed by rules made under this Act ;

(h) 'reserve police officer' means any member of the State Reserve Police Force established under this Act ;

(i) 'superior officer' means in relation to any reserve police officer a reserve police officer of a higher rank than, or of a higher grade in the same class as, or of the same rank as but senior to, himself.

(j) the words and expressions used herein and which are defined in the Indian Penal Code, the Code of Criminal Procedure, 1898, and the Bombay Police Act, 1951, and not hereinbefore defined, shall have the meanings respectively assigned to them in those enactments.

XLV
of
1860.
V of
1898.
Bom.
XXII
of
1951.
Bom.
XXII
of
1951.

Constitution
of the State
Reserve Po-
lice Force.

3. (1) In addition to the Police Force constituted under the Bombay Police Act, 1951, the State Government may establish and maintain an armed reserve police force known as the State Reserve Police Force.

(2) The State Reserve Police Force shall be established and maintained in such manner as may be prescribed.

(3) Subject to the provisions of this Act, the pay, pension and other conditions of service of members of the State Reserve Police Force shall be such as may be determined by the State Government :

Provided that nothing in this section shall apply to the pay, pension and other conditions of service of the members of the Indian Police or the Indian Police Service who may be transferred to the State Reserve Police Force.

(4) The State Government or any officer empowered by it in this behalf may,—

(a) divide the State Reserve Police Force in groups ;

(b) sub-divide each group into battalions, and each battalion into companies, and each company into platoons ;

(c) post any group, battalion, company or platoon at such places as the State Government or the officer empowered by it in this behalf may deem fit.

Superintend-
ence,
control, and
administra-
tion of
Force.

4. The superintendence of and control over the State Reserve Police Force shall vest in the State Government ; and the State Reserve Police Force shall be administered by the State Government in accordance with the provisions of this Act and of any rules made thereunder, through such officers as the State Government may from time to time appoint in this behalf.

Appointment
of Command-
ant¹, Assis-
tant Com-
mandant and
Adjutant².

5. (1) The State Government may appoint for each group a Commandant who shall be a person eligible to hold the post of a District Superintendent and an Assistant Commandant¹ [and an Adjutant who shall be persons] eligible to hold the post of an Assistant or a Deputy Superintendent.

¹ These words were substituted for the words " who shall be a person " by Bom. 48 of 1954, s. 3 (1).

² These words were substituted for the words " and Assistant Commandants ", *ibid.* s. 3 (4).

(2) Notwithstanding anything contained in sub-section (1), the State Government may appoint such Military Officer as it deems fit to be a Commandant or Assistant Commandant¹[or Adjutant].

(3) The Commandant, the Assistant Commandant²[, the Adjutant] and every other officer so appointed shall have and may exercise such powers and authority as may be provided by or under this Act.

³[5A. Subject to the general or special orders of the State Government, the Inspector-General shall appoint the Battalion Commanders and the Commanders of Head Quarters Wings.]

Appointment of Battalion Commanders and Commanders of Head Quarters Wings.

6. (1) Before any person appointed to be a reserve police officer joins his appointment, a declaration in the form in Schedule A shall be read out and, if he so desires, explained to him in the presence of a Commandant or an Assistant Commandant or a police officer not lower in rank than a District Superintendent or a Deputy Commissioner and shall be signed by him in token of his having undertaken to abide by the conditions prescribed therein. The declaration shall then be attested by such Commandant, Assistant Commandant or Police Officer, as the case may be.

Enrolment.

(2) No reserve police officer shall resign his appointment except in accordance with the terms of the declaration signed by him under sub-section (1).

(3) If any reserve police officer resigns in contravention of this section, he shall be liable, without prejudice to any other penalty imposed by this Act or any other law for the time being in force, on the order of the Commandant, to forfeit all arrears of pay then due to him.

7. (1) Notwithstanding anything contained in this Act or the Bombay Police Act, 1951, it shall be competent to the State Government to transfer members of the Police Force appointed under the Bombay Police Act, 1951, to the State Reserve Police Force established under this Act and *vice versa* :

Bom. XXII of 1951.
Bom. XXII of 1951.

Provided that the State Government may delegate its power under sub-section (1) in so far as it relates to the transfer of members of the subordinate ranks of the respective Police Force to the Inspector-General.

Bom. XXII of 1951.

(2) On the transfer of a member of the Police Force appointed under the Bombay Police Act, 1951, to the State Reserve Police Force established under this Act or *vice versa*, he shall be deemed to be a member of the Police Force to which he is transferred and in the performance of his functions, he shall, subject to such orders as the State Government may make, be deemed to be vested with the powers and privileges, and be subject to the liabilities, of a member of such grade in the Police Force to which he has been transferred as may be specified in the orders.

8. (1) [A Battalion Commander] or Company Commander shall, on appointment, receive from the Inspector-General of Police a certificate of appointment containing particulars of his name, age, religion and his previous service, if any.

Certificate of appointment to certain reserve police officers, when it is to be returned back.

(2) Every reserve police officer below the rank of a Company Commander shall on appointment receive a certificate in the form of Schedule B, which shall be issued under the seal of the Commandant.

¹ These words were added by Bom. 48 of 1954, s. 3 (2).

² These words were inserted, *ibid.*, s. 3 (3).

³ Section 5A was inserted, *ibid.*, s. 4.

⁴ The words "the armed section of" were deleted, *ibid.*, s. 5.

⁵ These words were substituted for the words "An Adjutant, a Battalion Commander", *ibid.*, s. 6.

(3) Every person who for any reason ceases to be a reserve police officer shall forthwith deliver up to an officer empowered by the Commandant to receive the same, his certificate of appointment and the arms, accoutrements, clothing and other necessities which have been furnished to him for the execution of his office.

General
powers of
Commandant.

9. The Commandant shall, subject to the orders of the Inspector-General of Police, direct and regulate all matters of arms, drill, exercise, mutual relations, distribution of duties, and all the matters of executive detail in the fulfilment of their duties by the members of the group in his charge.

General
duties of
members of
State Reserve
Police Force.

10. (1) Every reserve police officer shall for the purpose of this Act be deemed to be always on duty in the State of Bombay, and any reserve police officer and any member or body of reserve police officers may, if the State Government or the Inspector-General of Police so directs, be employed on active duty for so long as and wherever the services of the same may be required.

(2) Every direction issued under sub-section (1) shall specify that the duty on which any reserve police officer or any member or body of such officers is directed to be employed shall be deemed as active duty for the purposes of this Act.

Explanation.—The direction of the State Government or of the Inspector-General of Police whether a reserve police officer is required or is on active duty shall be final.

(3) A reserve police officer employed on active duty under sub-section (1), or when a number or body of reserve police officers are so employed, the officer in charge of such number or body, shall be responsible for the efficient performance of that duty and all police officers who but for the employment of one or more reserve police officers or body of reserve police officers would be responsible for the performance of that duty will to the best of their ability assist and co-operate with the said reserve police officer or officer in charge of a number or body of reserve police officers.

Reserve
police officer
to be deemed
to be in
charge of
police station.
Circum-
stances under
which reserve
police officer
entitled to
use force.

11. (1) When employed on active duty at any place under sub-section (1) of section 10, the senior reserve police officer of highest rank not being lower than that of a Naik present shall be deemed to be an officer in charge of a Police Station for the purposes of Chapter IX of the Code of Criminal Procedure, 1898.

(2) Notwithstanding anything contained in sections 100 and 103 of the Indian Penal Code, a reserve police officer employed as aforesaid may, when there is reasonable apprehension of assault on himself or any reserve police officer or of damage or harm to any property or person which or whom it is his duty to protect, use such force to the wrong doer or assailant as may be reasonably necessary even though the use of such force may involve risk of death of the wrong doer or the assailant or any other person assisting such wrong doer or assailant.

V of
1898.
XLV
of
1860.

Offence in
respect of
resignation
contrary to
provisions.

12. If any reserve police officer resigns his appointment in contravention of section 6 he shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

Offence in
respect of
refusal to
deliver
certificate
of appoint-
ment, etc.

13. Any reserve police officer who wilfully neglects or refuses to deliver up his certificate of appointment or any other article in accordance with sub-section (3) of section 8 shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

More hein-
ous offences.

14. Every reserve police officer who,—

(a) begins, excites, causes or conspires to cause or joins in any mutiny, or being present at any mutiny, does not use his utmost endeavours to suppress it by force of arms, if necessary, or knowing, or having reason to believe in, the existence of

THE BOMBAY LEGISLATIVE COUNCIL (CHAIRMAN AND DEPUTY
CHAIRMAN) AND THE BOMBAY LEGISLATIVE ASSEMBLY
(SPEAKER AND DEPUTY SPEAKER) SALARIES AND
ALLOWANCES ACT, 1952.

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6. Travelling and daily allowances.
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9. Chairman and Speaker not entitled to salaries and allowances as members of State Legislature.
10. Salaries of Deputy Chairman and Deputy Speaker.
11. Deputy Chairman and Deputy Speaker not debarred from receiving salaries and allowances as members of State Legislature.
- 11A. Allowances to Deputy Chairman and Deputy Speaker in other cases.
12. Power of State Government to make rules and orders.
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BOMBAY ACT No. VIII OF 1952.¹

[THE BOMBAY LEGISLATIVE COUNCIL (CHAIRMAN AND DEPUTY CHAIRMAN) AND
THE BOMBAY LEGISLATIVE ASSEMBLY (SPEAKER AND DEPUTY SPEAKER)
SALARIES AND ALLOWANCES ACT, 1952.]

[10th May 1952]

Amended by Bom. 42 of 1954.*

An Act to provide for the salaries and allowances of the Chairman and the Deputy Chairman of the Bombay Legislative Council and the Speaker and the Deputy Speaker of the Bombay Legislative Assembly and certain other matters.

WHEREAS it is expedient to provide for the determination of the salaries and allowances of the Chairman and the Deputy Chairman of the Bombay Legislative Council and the Speaker and the Deputy Speaker of the Bombay Legislative Assembly and other matters as hereinafter specified; It is hereby enacted as follows :—

1. (1) This Act may be called the Bombay Legislative Council (Chairman and Deputy Chairman) and the Bombay Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act, 1952. Short title
and
commence-
ment.

(2) It shall be deemed to have come into force on and from the 5th day of May 1952.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

- (a) "Assembly" means the Bombay Legislative Assembly;
- (b) "Council" means the Bombay Legislative Council;
- (c) "Chairman" means the Chairman of the Council;
- (d) "Speaker" means the Speaker of the Assembly;
- (e) "Deputy Chairman" means the Deputy Chairman of the Council;
- (f) "Deputy Speaker" means the Deputy Speaker of the Assembly;
- (g) "residence" includes the staff quarters and other buildings appurtenant thereto and the gardens thereof;
- (h) "maintenance" in relation to a residence includes the payment of rates and taxes due to Government or any local authority and the provision of electricity gas and water;
- (i) "rules or orders" means rules or orders respectively made under this Act.

3. There shall be paid to the Chairman and the Speaker each a salary of Rs. 1,100 per month. Salaries of
Chairman
and Speaker.

4. (1) The Chairman and the Speaker each shall be entitled, without payment of rent, to the use of— Residences
of Chairman
and Speaker.

- (a) a furnished residence in Bombay throughout his term of office and for a period of fifteen days immediately thereafter, or in lieu of such residence a house allowance at the rate of Rs. 250 per month, and

¹ For Statement of Objects and Reasons see *Bombay Government Gazette*, 1952, Part V, p. 33.

*Sub-section (2) of section 1 reads as follows:

(2) It shall be deemed to have come into force on and from the 1st day of October 1953.

(b) a furnished residence at such other place as the State Government may from time to time for the purposes of this Act declare to be the head quarters of Government and for such period as may be specified in such declaration, or in lieu of such residence a house allowance at the rate of Rs. 250 per month.

(2) No charge shall fall on the Chairman or the Speaker personally in respect of the maintenance of any residence provided under this section.

(3) The expenditure on furnishing the residences provided under this section shall be on such scales as the State Government may by rules or orders determine.

Conveyances for Chairman and Speaker. 5. (1) The State Government may, from time to time, for the use of the Chairman and the Speaker purchase and provide motor cars and other suitable conveyances, upon such conditions as regards their maintenance and repairs as may be determined by rules or orders made in this behalf.

(2) There shall also be paid to the Chairman and the Speaker each a conveyance allowance at the rate of Rs. 250 per month.

Travelling and daily allowances. 6. The Chairman and the Speaker shall be entitled to travelling and daily allowances while touring on public business at such rates and upon such conditions as may be prescribed by rules or orders made by the State Government.

Medical attendance. 7. Subject to rules or orders made by the State Government, the Chairman and the Speaker and the members of the family of the Chairman or the Speaker, as the case may be, who are residing with and dependent on him, shall be entitled, free of charge, to accommodation in hospitals maintained by the State Government and to medical attendance and treatment.

Explanation.—For the purposes of this section, “a member of the family” means the husband, wife, son, daughter, father, mother, brother or sister.

Chairman and Speaker not to practise any profession or engage in any trade, etc. 8. The Chairman and the Speaker shall not practise any profession or engage in any trade or undertake for remuneration any employment other than their duties as Chairman and Speaker, respectively.

Chairman and Speaker not entitled to salaries and allowances as members of State Legislature. 9. Notwithstanding anything contained in the Bombay Legislature Members' Bom. Daily Allowance Act, 1950, or the Bombay Legislature Members' Travelling XXI Allowance Act, 1950, or any law for the time being in force determining the Bom. salaries and allowances of the members of the State Legislature, the Chairman and Bom. the Speaker shall not be entitled to receive any salary or allowances under such XLV law, although such Chairman or Speaker is a member of the Bombay Legislative of 1950. Council or the Bombay Legislative Assembly.

Salaries of Deputy Chairman and Deputy Speaker. 10. There shall be paid to the Deputy Chairman and the Deputy Speaker each a salary of Rs. 300 per month.

Bom. XXI of 1950. Bom. XLV of 1950.

11. Nothing in this Act shall be deemed to debar the Deputy Chairman or the Deputy Speaker from being entitled to receive any salary or allowances as a member of the State Legislature under the Bombay Legislature Members' Daily Allowance Act, 1950, or the Bombay Legislature Members' Travelling Allowance Act, 1950, or any law for the time being in force determining the salaries and allowances of the members of the State Legislature.

Deputy Chairman and Deputy Speaker not debarred from receiving salaries and allowances as members of State Legislature.

[11A. Subject to the provisions of section 11, the Deputy Chairman and the Deputy Speaker shall be entitled to travelling and daily allowances while touring on public business at such rates and upon such conditions as may be prescribed by rules or orders made by the State Government.]

Allowances to Deputy Chairman and Deputy Speaker in other cases.

12. (1) The State Government may make rules or orders for the purposes of this Act.

Power of State Government to make rules and orders.

(2) Rules or orders made under this Act shall have effect as if enacted in this Act.

Bom. II of 1937.

13. The Bombay Legislative Council (President and Deputy President) and the Bombay Legislative Assembly (Speaker and Deputy Speaker) Salaries Act, 1937, is hereby repealed.

Repeal.

¹ This section was inserted by Bom. 42 of 1954, s. 2. This section came into force on and from the 1st day of October 1953. [See s. 1 (2) of Bom. 4 of 1954].

BOMBAY ACT No. XLIII OF 1953.¹

[THE BOMBAY MERGED TERRITORIES (ANKADIA TENURE ABOLITION) ACT, 1953.]

[22nd June 1953]

Amended by Bom. 58 of 1954.

An Act to abolish Ankadia Tenure prevailing in certain parts of the State of Bombay.

WHEREAS it is expedient to abolish the Ankadia tenure prevailing in the merged territories of the former States of Baroda, Idar, Balasinor, Malpur, Lunawada and Deogadh Baria, to extinguish the rights appertaining thereto and to provide for other consequential and incidental matters hereinafter appearing; It is hereby enacted as follows :—

1. (1) This Act may be called the Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953. Short title, extent and commencement.

(2) It extends to the merged territories of the former States of Baroda, Idar, Balasinor, Malpur, Lunawada and Deogadh Baria, which are included in the districts of Baroda, Kaira, Panch Mahals, Sabar Kantha, Ahmedabad, Mehsana and Amreli.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

2. (1) In this Act, unless there is anything repugnant in the subject or context,—

(a) "Ankadedar" means a person holding an Ankadia village on Ankadia tenure and includes his co-sharer;

(b) "Ankadia tenure" means the tenure on which a village is held by an Ankadedar—

(i) in the merged territories of the former State of Baroda under the Baroda Ankadia Villages Rules of 1932, and

(ii) in the merged territories of the former States of Idar, Balasinor, Malpur, Lunawada and Deogadh Baria in accordance with the terms of a lease or any other agreement;

(c) "Ankadia villages" means the villages specified in the first and second Schedules;

(d) "Ankado" means a lump sum payable annually to Government by an Ankadedar out of the revenues realised by him annually from an Ankadia village;

Bom.
V of
1879.

(e) "Code" means the Bombay Land Revenue Code, 1879;

(f) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act;

(g) "Gharkhed land" means the land held by an Ankadedar as his private or personal property;

(h) "Jiwai land" means a land held by a cadet of an Ankadedar's family for the purpose of maintenance;

(i) "prescribed" means prescribed by rules under this Act;

(j) "Schedule" means a Schedule appended to this Act.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1953, Part V, pp. 165-166.

(2) Any word or expression which is defined in the Code and not defined in this Act shall be deemed to have the meaning assigned to it by the Code.

(3) References in this Act to the provisions of the Baroda Ankadia Villages Rules of 1932 and the leases and agreements governing Ankadia tenure and incidents of Ankadia tenure shall, notwithstanding the repeal of the said Rules, the cancellation of the said leases and agreements and the abolition of the said tenure by this Act, be construed as references to the said provisions, leases, agreements and incidents as they were in force immediately before this Act comes into force.

(4) If any question arises whether any land is Gharkhed or Jiwai, the State Government or any officer authorised by the State Government shall decide the question and such decision shall be final.

Abolition of Ankadia tenure. 3. With effect from and on the date on which this Act comes into force—

(i) the Ankadia tenure, wherever it prevails in the territory to which this Act extends, shall be deemed to have been abolished ;

(ii) save as expressly provided by this Act all the incidents of the said tenure shall be deemed to have been extinguished ;

(iii) all the leases or agreements under which the Ankadia villages specified in the second Schedule were held immediately before the coming into force of this Act shall be deemed to have been cancelled ;

(iv) all the Ankadia villages are hereby resumed and all lands in such villages shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder ;

Provided that nothing in clause (iv) shall be deemed to affect,—

(a) *devasthan* inams or inams held by religious or charitable institutions ; and

(b) inams held for service useful to Government ;

Provided further that nothing in this section shall affect the payment of maintenance allowance to a widow of a deceased Ankadedar sanctioned by the State Government under the provisions of the Baroda Ankadia Villages Rules of 1932.

Persons to be deemed as occupants.

4. (1) (A) In an Ankadia village specified in the first Schedule—

(i) in the case of Gharkhed land held by an Ankadedar, the Ankadedar,

(ii) in the case of Jiwai land, the person holding such land,

(iii) in the case of land held by a person who immediately before the coming into force of this Act was liable to pay to the Ankadedar land revenue or rent in respect of such land as an incident of Ankadia tenure, such person, and

(B) in an Ankadia village specified in the second Schedule,

(i) in the case of Gharkhed land held by an Ankadedar, the Ankadedar, and

(ii) in the case of land held by a person whose name has been immediately before the commencement of this Act, entered in the record of rights as occupier (Kabjedar) of such land and who was liable to pay to the Ankadedar land revenue in respect of such land as an incident of Ankadia tenure, such person,

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or any other law for the time being in force.

THE FIRST SCHEDULE.

[See section 2 (1) (c)].

Ankadia villages in the merged territories of the former State of Baroda.

Name of the Village.				District.
(1) <i>Ek-Ankadi Thakarati Villages.</i>				
1.	Rajapura	...	...	Baroda.
2.	Mote Sherdi	...	...	Kaira.
3.	Bakrol	...	...	Panch Mahals.
4.	Karmadi	...	...	Baroda.
5.	Manekpur Makakhad	...	...	Mehsana.
6.	Limbodra	...	...	Do.
7.	Pindarda	...	...	Do.
8.	Amaja	...	...	Do.
9.	Ambawada	...	...	Do.
10.	Rampur	...	...	Amreli.
(2) <i>Farta Ankadi Thakarati Villages.</i>				
1.	Aglod Motawas including Hathipura	...	...	Mehsana.
2.	Aglod Nanawas	...	...	Do.
3.	Ghantu Dhanpura	...	...	Do.
4.	Rampur Kuvayada	...	...	Do.
5.	Sangapur Ghasayata	...	...	Do.
6.	Sardarpur	...	...	Do.
7.	Ransipur	...	...	Do.
8.	Kot	...	...	Do.
9.	Lakaroda	...	...	Do.
10.	Dethli	...	...	Do.
11.	Aluwa	...	...	Do.
12.	Vansa	...	...	Do.
13.	Mosampur	...	...	Ahmedabad.

¹ This entry was substituted for the original, by Bom. 58 of 1954, s. 2, Sch.

Name of the Village.	District.
14. Sherkhi	Baroda.
15. Sindharot	Do.
16. Nawa Jaspur	Do.
17. Ekalbara	Do.
18. Khandiwada	Do.
19. Saranej	Do.
20. Khandha	Do.
21. Saroli	Sabar Kantha.
22. Valor	Mehsana.
23. Bhimpur	Do.

(3) *Ek-Ankadi Matadari Villages.*

1. Rantej	Mehsana.
2. Ambod	Do.
3. Changod	Do.
4. Madhasan	Do.
5. Chandapur	Do.
6. Sidosan	Do.
7. Khad Khambhali	Amreli.

(4) *Farta Ankadi Matadari Villages.*

1. Kunvadra	Mehsana.
2. Mandali Vihar	Do.
3. Bulodra	Do.
4. Mahudi	Do.
5. Ranchhodpura	Do.
6. Ganeshpura	Do.
7. Anodia	Do.
8. Titodan	Do.
9. Rangapur	Do.
10. Haranahoda	Do.

BOMBAY ACT No. L OF 1953.¹

[THE BOMBAY LAND TENURES ABOLITION (RECOVERY OF RECORDS) ACT, 1953.]

[7th October 1953]

Amended by Bom. 52 of 1954.

An Act to provide for taking over records maintained by the holders of lands or villages held on tenures which have been abolished by certain enactments in the State of Bombay.

WHEREAS it is expedient to provide for taking over records maintained by the holders of lands or villages held on tenures which have been abolished by certain enactments in the State of Bombay; It is hereby enacted as follows :—

1. This Act may be called the Bombay Land Tenures Abolition (Recovery Short title. of Records) Act, 1953.

2. In this Act, unless there is anything repugnant in the subject or context— Definitions.

(1) "holder" means—

- (a) a taluqdar,
- (b) a watandar,
- (c) a vazifdar,
- (d) an estate-holder,
- (e) a mulgiasia,
- (f) an ankadedar,
- ²[(g) a kaul-holder,
- (h) an inamdar, or
- (i) a matadar.]

as defined or referred to in the respective Land Tenure Abolition Acts and includes his heirs, assigns and legal representatives and also a person who for the time being is in possession of any land records on behalf of such holder;

(2) "Land Tenure Abolition Act" means an Act specified in the Schedule to this Act;

(3) "land records" means records maintained by a holder in respect of the land or village held by him at any time before the abolition of the tenure on which such land or village was held;

(4) "prescribed" means prescribed by rules made under this Act.

3. It shall be the duty of every holder to deliver, in the prescribed manner, ³[within two months from such date as the State Government may, by notification in the *Official Gazette*, specify in this behalf] all land records in his possession to the Collector or to such officer as may be appointed by the State Government in this behalf: Holder to deliver land records to State Government.

Provided that in the case of any holder, the Collector or the officer, as the case may be, may, for sufficient reasons, extend such period by a further period not exceeding two months.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1953, Part V, page 435.

² These sub-clauses were substituted for clauses (g) and (h) by Bom. 52 of 1954, s. 2.

³ These words were substituted for the words "within two months from the date of the commencement of this Act", *ibid.*, s. 3.

Power to
make
searches.

4. If the Collector or the officer appointed under section 3 has reason to believe that any holder is not likely to deliver the land records as required by section 3 or is likely to destroy them or tamper with them, he may, for the purpose of recovering such records, issue a search warrant and exercise all such powers with respect thereto as may be lawfully exercised by a magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1898. ^{v of 1898.}

Offence and
penalty.

5. If a holder fails to deliver land records in accordance with the provisions of section 3, he shall, on conviction, be punished with fine which may extend to two hundred rupees. In the case of a continuing failure to deliver land records, the holder shall be punished with an additional fine which may extend to twenty-five rupees for every day during which such failure continues after conviction for the first such failure.

Rules.

6. The State Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act. Such rules shall, when finally made, be published in the *Official Gazette*.

SCHEDULE.

(See section 2.)

1. The Bombay Taluqdari Tenure Abolition Act, 1949 (Bom. LXII of 1949).
2. The Bombay Paragana and Kulkarni Watans (Abolition) Act, 1950 (Bom. LX of 1950).
3. The Bombay Watwa Vazifdari Rights Abolition Act, 1950 (Bom. LXII of 1950).
4. The Salsette Estates (Land Revenue Exemption Abolition) Act, 1951 (Bom. XLVII of 1951).
5. The Bombay Personal Inams Abolition Act, 1952 (Bom. XLII of 1953).
6. The Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953 (Bom. XLIII of 1953).
7. The Bombay Kanli and Katuban Tenures (Abolition) Act, 1953 (Bom. XLIV of 1953).
8. The Bombay Merged Territories (Baroda Mulgiras Tenure Abolition) Act, 1953 (Bom. XLV of 1953).
9. The Bombay Merged Territories (Baroda Watan Abolition) Act, 1953 (Bom. XLVI of 1953).
10. The Bombay Merged Territories Matadari Tenure Abolition Act, 1953 (Bom. XLVIII of 1953).]

BOMBAY ACT No. LXX OF 1953.¹

[THE BOMBAY SERVICE INAMS (USEFUL TO COMMUNITY) ABOLITION ACT, 1953.]

[22nd December 1953]

Amended by Bom. 58 of 1954.

An Act to abolish service inams useful to the community in certain parts of the State of Bombay.

WHEREAS it is necessary and expedient in the public interest to abolish service inams useful to the community in certain parts of the State of Bombay and to provide for other incidental and consequential matters hereinafter appearing ; It is hereby enacted as follows :—

1. (1) This Act may be called the Bombay Service Inams (Useful to Community) Abolition Act, 1953. Short title,
extent and
commence-
ment

(2) It extends to the territories formerly comprising of Khandesh, Deccan and Southern Maratha Country and subsequently forming part of the districts of East Khandesh, West Khandesh, Ahmednagar, Nasik, Poona, Satara, Sholapur, Bijapur, Belgaum, Kanara and Dharwar as they existed before the States' Merger (Governor's Provinces) Order, 1949.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

2. (1) In this Act, unless there is anything repugnant in the subject or context,—Definitions.

(a) "appointed day" means the day on which this Act comes into force ;

(b) "Code" means the Bombay Land Revenue Code, 1879 ;

(c) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;

(d) "holder" means (except in the expression "inferior holder") a holder of a service inam and includes any person lawfully holding under or through him ;

(e) "service inam village" or "service inam land" means a village or a portion of a village or land, as the case may be, held in inam by a person for service useful to the community ;

(f) "service inam" means—

(i) a grant of a village, portion of a village, land or total or partial exemption from land revenue held for service useful to the community and entered in the alienation register kept under section 53 of the Code as "Class VI—village servants useful to village communities" ;

(ii) a grant of money or land revenue including anything payable as a cash allowance on the part of the State Government for service useful to the community ;

(g) "prescribed" means prescribed by rules made under this Act ;

(h) "Schedule" means a Schedule appended to this Act ;

(i) the words and expressions used but not defined in this Act shall have the meanings assigned to them in the Code.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1953, Part V, pages 458-459.
MO. B Bk H 658—19

(2) If any question arises whether any grant is a service inam, the State Government shall, having regard to the relevant entries in the alienation records and after holding such inquiry as may be deemed fit, decide the question and such decision shall be final :

Provided that the State Government may authorise any officer to decide such question and subject to an appeal to the State Government his decision shall be final.

Abolition of
service inams
and rights
in respect
of such
inams.

3. With effect from and on the appointed day, notwithstanding anything contained in any law, usage, settlement, grant, sanad or order—

(1) all service inams shall be deemed to have been abolished and all incidents appertaining thereto shall be deemed to have been extinguished ;

(2) all rights to hold office and any liability to render service appertaining to the said inams are hereby extinguished.

Liability of
service inam
villages and
lands to
land revenue
and persons
liable to pay
the same.

4. (1) All service inam villages and service inam lands which have been adjudicated under rule 8 of Schedule B to the Bombay Rent-free Estates Act, 1852^{XI of 1852.} are and shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder and the provisions of the Code and the rules relating to unalienated lands shall apply to such villages and lands.

(2) In the case of service inam land to which sub-section (1) applies,

(a) where such land is in possession of the holder or in possession of a person (other than an inferior holder) holding from him, the holder and

(b) where such land is in possession of an inferior holder holding the same on payment of annual assessment only, such inferior holder, shall primarily be liable to the State Government for the payment of land revenue due in respect of such land held by him and shall be entitled to all rights and shall be liable to all obligations in respect of such land as an occupant under the Code or the rules made thereunder or any other law for the time being in force.

Resumption
of service
inam land
and its
regrant to
holder.

5. (1) All service inam lands which have not been adjudicated under rule 8 of Schedule B to the Bombay Rent-free Estates Act, 1852, are hereby resumed and shall be liable to the payment of land revenue under the provisions of the Code and the rules made thereunder and the provisions of the Code and the rules relating to the unalienated lands shall apply to such lands.^{XI of 1852.}

(2) A service inam land resumed under the provisions of [sub-section (1)] shall be regranted to the holder on payment of the occupancy price equal to six times the amount of the full assessment of such land within two years from the appointed day and the holder shall be deemed to be an occupant within the meaning of the Code in respect of such land and shall primarily be liable to pay land revenue to the State Government in accordance with the provisions of the Code and the rules made thereunder :

Provided that if the holder fails to pay the occupancy price within the period of two years as provided in this section, he shall be deemed to be unauthorisedly occupying the land and shall be liable to be summarily ejected in accordance with the provisions of the Code.

¹ These words, brackets and figure were substituted for the words "this Act" by Bom. 58 of 1954, s. 2, Schedule.

Fixed fees—contd.

Number.		Proper fee.
XXI. of 1866.	14. Petition in a suit under the Native Converts' Marriage Dissolution Act, 1866.	Twelve rupees eight annas.
	17. Plaint or memorandum of appeal in each of the following suits :—	
	¹ {(i) to alter or set aside a summary decision or order of any of the Civil Courts not established by Letters Patent or of any Revenue Court.	Twelve rupees eight annas.
	(ii) to alter or cancel any entry in a register of the names of proprietors of revenue-paying estates ; and	Eighteen rupees twelve annas.]
	(iii) to obtain a declaratory decree or order, where no consequential relief is prayed ;	Eighteen rupees twelve annas.
	(iv) to set aside alienation ;	Eighteen rupees twelve annas.
	(v) to set aside a decree or award ;	Twelve rupees eight annas.
	(vi) to set aside an adoption ; and	Eighteen rupees twelve annas.
	(vii) any other suit where it is not possible to estimate at a money value the subject-matter in dispute, and which is not otherwise provided for by this Act.	Thirty rupees.
	18. Application—	Thirty rupees.
X of 1940.	² {(a) under section 20 of the Arbitration Act, 1940 ;	Twelve rupees eight annas.

¹ These clauses and the entries relating thereto were substituted for the original by Bom. 58 of 1954, s. 2, Schedule.

² This Clause was substituted for the original, *ibid.*

Fixed fees—concl'd.

Number.		Proper fee.
(b) for probate or letters of administration or for revocation thereof under the Indian Succession Act, 1925 ;	When the amount or value of the estate does not exceed two thousand rupees.	Two rupees eight annas. XXXIX of 1925.
	When it exceeds two thousand rupees, but does not exceed five thousand rupees.	Six rupees four annas.
(c) for a certificate under Part X of the Indian Succession Act, 1925, or Bombay Regulation VIII of 1827 ;	When it exceeds five thousand rupees ...	Twelve rupees eight annas. XXXIX of 1925.
(d) for opinion or advice or for discharge from a Trust, or for appointment of new Trustees under section 34, 72, 73 or 74 of the Indian Trust Act, 1882 ;	.....	Twelve rupees eight annas. II of 1882.
(e) for the winding up of a Company, under section 166 of the Indian Companies Act, 1913 ;	.....	Twelve rupees eight annas. VII of 1913.
(f) under rule 58 of Order XXI of the Code of Civil Procedure, 1908, regarding a claim to attached property	When the amount or value of the property exceeds five hundred rupees.	Twelve rupees eight annas. V of 1908.
19. Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908.	.....	Twenty-five rupees. V of 1908.
20. Every petition under the Indian Divorce Act, 1869, except petitions under section 44 of that Act and every memorandum of appeal under section 55 of that Act.	.....	Thirty-seven rupees eight annas. IV of 1869.
21. Plaint or memorandum of appeal under the [Parai Marriage and Divorce Act, 1936] or the Bombay Hindu Divorce Act, 1947.	.....	Thirty-seven rupees eight annas. III of 1936. Bom. XXII of 1947.
22. Petitions under the Indian Christian Marriage Act, 1872, sections 45 and 48.	.....	Two rupees. XV of 1872.

Repeal of
Bom. XV
of 1943.

13. The Bombay Increase of Court-fees Act, 1943, is hereby repealed.

Bom.
XV of
1943.

¹ These words and figures were substituted for the words and figures "Parai Marriage and Divorce Act", 1865, by Bom. 58 of 1954, s. 2, Schedule.

Chronological Table

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Year.	No.	Short title or subject.	Whether repealed or otherwise affected by Legislation.	Date of Publication of the Act in the Official Gazette.	Page.
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THE BOMBAY REPEALING AND AMENDING ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Repeal of certain enactments.
3. Amendment of certain enactments.

THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

BOMBAY ACT No. II OF 1955.¹

[THE BOMBAY REPEALING AND AMENDING ACT, 1955.]

[16th March 1955]

An Act to repeal certain enactment and to amend certain other enactments.

WHEREAS it is expedient to repeal certain enactment and to amend certain other enactments for the purposes hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Repealing and Amending Act, 1955. Short title.
2. The enactment specified in the First Schedule is hereby repealed to the extent mentioned in the fourth column thereof. Repeal of certain enactment.
3. The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof. Amendment of certain enactments.

THE FIRST SCHEDULE.**REPEAL.**

(See section 2.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1912	VI	... The Bombay Medical Act, 1912.	Section 9A.

THE SECOND SCHEDULE.**AMENDMENTS.**

(See section 3.)

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1901	III	... The Bombay District Municipal Act, 1901.	In section 48, in sub-section (1), in clause (j) for the words " use or consumption " the words " consumption, use or sale " shall be substituted.
1908	XVI	... The Indian Registration Act, 1908, in its application to the State of Bombay.	In section 69, clause (gg) of sub-section (1) as inserted by the Indian Registration (Bombay Amendment) Act, 1930, shall be re-lettered as clause (ggg).
			Bom. XVII of 1930.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, pp. 33-35.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1912	VI	... The Bombay Medical Act, 1912.	(1) In section 2,— (i) in sub-section (3), after the words "The President" the words "and Vice-President" shall be inserted. (ii) in sub-section (4) for the words "the President and members" the words "the President and Vice-President and other members" shall be substituted. (2) In section 3, in sub-section (1) for the words "The President and members" the words "The President, Vice-President and other members" shall be substituted. (3) In section 4, after the words "in the absence of the President" the words "the Vice-President and in the absence of both" shall be inserted.
1925	XXVIII	... The Bombay Municipal Boroughs Act, 1925.	In section 61, in clause (n) of sub-section (1) for the words "use or consumption" the words "consumption, use or sale" shall be substituted.
1938	XXVI	... The Bombay Medical Practitioners' Act, 1938.	In section 18A, to sub-section (1), the following proviso shall be added and shall be deemed always to have been added, namely:— "Provided that the renewal fee due on 31st day of December 1954 may be paid not later than the 31st day of March 1955."
1939	XXII	... The Bombay Agricultural Produce Markets Act, 1939.	After section 21A, the following new section shall be inserted, namely:— "21B. The Chairman, the Vice-Chairman, the members, the secretary and other officers and servants of a Market Committee shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code." of 1860.
1947	LXI	... The Bombay Primary Education Act, 1947.	(1) In section 2, after clause (10), the following clause shall be inserted, namely:— "(10A) 'Educational Inspector of the district' means the Educational Inspector appointed for a district or group of districts;" (2) In sections 23, 24 and 34 for the words "Educational Inspector of the division" the words "Educational Inspector of the district" shall be substituted. (3) In section 49, in sub-section (2) after the words "Educational Inspector" the words "of the district" shall be inserted.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1951	XLVIII ...	The Bombay Homoeopathic Act, 1951.	<p>In section 19, to sub-section (2), the following proviso shall be added, namely :—</p> <p>" Provided that in respect of persons eligible for registration under sub-clause (b) of clause (4) of sub-section (3) of section 18, such applications for registration may be made to the Registration Tribunal before the expiry of two months from the date of the coming into force of the Bombay Repealing and Amending Act, 1955."</p> <p>Bom. II of 1955.</p>
1953	XLIII ...	The Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953.	<p>(1) In the preamble, in sub-section (2) of section 1, and sub-clause (ii) of clause (b) of sub-section (I) of section 2 after the word "Malpur," the word "Ambaliara," and after the words "Deogadh Baria" the words "and of the former estate of Ramas", and</p> <p>(2) in the Second Schedule, in the heading after the word "Malpur," the word "Ambaliara," and after the word "States" the words "and of the former estate of Ramas",</p> <p>shall be inserted and shall be deemed always to have been inserted.</p>
1954	XIV ...	The Bombay Nurses, Midwives and Health Visitors Act, 1954.	<p>(1) In section 2, to clause (g), the words "and an auxiliary nurse and midwife" shall be added.</p> <p>(2) In section 29, in clause (c) of sub-section (2) after the words "and examinations" the brackets and words "(including those for auxiliary nurses and midwives)" shall be inserted</p>
1954	XLI ...	The Bombay Village Industries Act, 1954.	<p>For section 32, the following shall be substituted, namely :—</p> <p>" 32. For the avoidance of doubt, it is Saving. hereby declared that nothing in this Act shall apply to or be deemed to apply to any industry, the control of which by the Union is declared by Parliament by law to be expedient in the public interest."</p>

THE BOMBAY (SUPPLEMENTARY) APPROPRIATION ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Issue of Rs. 4,49,04,184 out of the Consolidated Fund of the State of Bombay for the year 1954-55.
3. Appropriation.

SCHEDULE.

BOMBAY ACT No. III OF 1955.¹

[THE BOMBAY (SUPPLEMENTARY) APPROPRIATION ACT, 1955.]

[16th March 1955]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1955.

WHEREAS by virtue of Article 204 of the Constitution of India, read with Article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1955, and for the purpose of authorising payment of the said sums; It is hereby enacted in the Sixth Year of the Republic of India as follows:—

1. This Act may be called the Bombay (Supplementary) Appropriation Act, 1955. Short title.
2. From and out of the Consolidated Fund of the State of Bombay, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rupees 4,49,04,184 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1955, in respect of the services and purposes specified in column 2 of the Schedule.
Issue of Rs. 4,49,04,184 out of the Consolidated Fund of the State of Bombay for the year 1954-55.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1955.
Appropriation.

SCHEDULE.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
1	Land Revenue ..	7—Land Revenue ..	90	37,754	37,844
2	State Excise ..	8—State Excise ..	96,210	4,099	1,00,309
3	Forest ..	10—Forest ..	20	2,742	2,762
4	Registration ..	11—Registration ..	60,000	59	60,059

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, p. 69.

SCHEDULE—contd.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
5	Charges on account of Motor Vehicles Acts.	12—Charges on account of Motor Vehicles Acts.	68,000	42,000	1,17,000
6	Other Taxes and Duties.	13—Other Taxes and Duties.	3,24,000	....	3,24,000
7	Irrigation (including working expenses).	XVII—Deduct— Working expenses, 18, Other revenue expenditure financed from ordinary revenues and 19, Construction of Irrigation, Navigation, Embankment and Drainage Works.	68,01,680	....	68,01,680
8	General Administration.	25—General Administration.	230	....	230
9	Administration of Justice.	27—Administration of Justice.	150	30	180
10	Police ..	29—Police ..	150	1,640	1,790
11	Ports and Pilotage ..	30—Ports and Pilotage.	30	....	30
12	Scientific Departments.	36—Scientific Departments.	1,74,381	....	1,74,381
13	Education ..	37—Education ..	13,49,730	....	13,49,730
14	Medical ..	38—Medical ..	120	....	120
15	Public Health ..	39—Public Health ..	70	....	70
16	Agriculture ..	40—Agriculture ..	19,89,315	....	19,89,315
17	Veterinary ..	41—Veterinary ..	3,030	....	3,030
18	Co-operation ..	42—Co-operation ..	20	1,044	1,064
19	Industries ..	43—Industries ..	70	....	70
20	Labour ..	47—Miscellaneous Departments (Labour).	10	....	10

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
21	Miscellaneous Departments (except Labour).	47—Miscellaneous Departments (except Labour).	56,96,070	104	56,96,174
22	Civil Works ..	50—Civil Works ..	280	30,010	30,290
23	Bombay Development Scheme.	51—Bombay Development Scheme.	10	19	29
24	Multipurpose River Schemes.	51-B—Other Revenue Expenditure connected with Multipurpose River Schemes.	4,48,500	....	4,48,500
25	Electricity Schemes.	XLI—Receipts from Electricity Schemes Deduct Working expenses.	10	....	10
26	Other Revenue Expenditure connected with Electricity Schemes.	52-A—Other Revenue Expenditure connected with Electricity Schemes.	10	....	10
27	Electricity Schemes.	53—Capital Outlay on Electricity Schemes.	10	....	10
28	Famine ..	54—Famine ..	....	-1,25,01,198	1,25,01,198
29	Territorial and Political Pensions.	54-A—Territorial and Political Pensions.	30,300	....	30,300
30	Superannuation Allowances and Pensions.	55—Superannuation Allowances and Pensions.	2,20,000	50,000	2,70,000
31	Stationery and Printing.	56—Stationery and Printing.	10	....	10
32	Miscellaneous ..	57—Miscellaneous ..	17,43,058	1,73,257	19,16,315
33	Extraordinary Charges.	63—Extraordinary Charges.	140	....	140
34	Community Development Projects.	63-B—Community Development Projects.	10	....	10

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consoli- dated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
35	Civil Defence ..	64-B—Civil Defence	2,611	....	2,611
		Total expenditure on Revenue Account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	1,90,08,325	1,28,50,956	3,18,59,281
36	Irrigation ..	68—Construction of Irrigation, etc. Works.	150	....	150
37	Public Health ..	70—Capital Outlay on Improvement of Public Health.	20	....	20
38	Agricultural Improvement and Research.	71—Capital Outlay on Schemes of Agricultural Improvement and Research.	5,20,850	....	5,20,850
39	Industrial Development.	72—Capital Outlay on Industrial Development.	60,00,000	....	60,00,000
40	Bombay Development Scheme.	80—Bombay Development Scheme.	29,473	....	29,473
41	Civil Works ..	81—Capital Account of Civil Works outside the Revenue Account.	50	....	50
42	Electricity Schemes.	81-A—Capital Outlay on Electricity Schemes.	10	....	10
43	Housing of Displaced Persons and Milk Scheme.	82—Capital Account of other State Works outside the Revenue Account	50	16,07,969	16,08,019
44	Payments to Retrenched Personnel.	85—Payments to Retrenched Personnel.	5,00,000	....	5,00,000

SCHEDULE—*concl'd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
45	Schemes of State Trading.	85-A—Capital Outlay on State Schemes of Government Trading.	30	....	30
		Total—Capital Expenditure outside the Revenue Account.	70,50,633	16,07,969	86,58,602
46	Permanent Debt ..	Permanent Debt ..	....	42,07,643	42,07,643
47	Floating Debt ..	Floating Debt ..	....	16,488	16,488
48	Loans and Advances bearing interest.	Loans and Advances by State Government.	50	1,62,120	1,62,170
		Total Disbursement under Debt Heads.	50	43,86,251	43,86,301
		Grand Total ..	2,60,59,008	1,88,45,176	4,49,04,184

THE BOMBAY APPROPRIATION ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Issue of Rs. 1,69,87,52,704 out of the Consolidated Fund of the State of Bombay for the year 1955-56.
3. Appropriation.

SCHEDULE

BOMBAY ACT No. IV OF 1955.¹

[THE BOMBAY APPROPRIATION ACT, 1955.]

[30th March 1955]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1956.

WHEREAS by virtue of article 204 of the Constitution of India it is necessary to provide for the passing of an Appropriation Act for the appropriation of sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1956 ; and for the purpose of authorising payment of the said sums ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Appropriation Act, 1955.

Short title.

2. From and out of the Consolidated Fund of the State of Bombay, there may be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rs. 1,69,87,52,704 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1956, in respect of the services and purposes specified in column 2 of the Schedule to this Act.

Issue of Rs. 1,69,87,52,704 out of the Consolidated Fund of the State of Bombay for the year 1955-56.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1956.

SCHEDULE.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
			4		
1	2	3	4		
			Rs.	Rs.	Rs.
1	Land Revenue ..	7, Land Revenue ..	2,48,43,280	....	2,48,43,280
2	State Excise ..	8, State Excise ..	35,26,700	....	35,26,700
3	Stamps ..	9, Stamps	6,20,000	....	6,20,000

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, pp. 84-85.

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
4	Forest ..	10, Forest ..	1,58,70,900	33,000	1,59,03,900
5	Registration ..	11, Registration ..	16,50,000	....	16,50,000
6	Charges on account of Motor Vehicles Acts.	12, Charges on account of Motor Vehicles Acts.	18,40,300	2,14,19,300	2,32,59,600
7	Other Taxes and Duties.	13, Other Taxes and Duties.	51,65,200	1,42,22,800	1,93,88,000
8	Interest on works for which Capital accounts are kept—Irrigation Works.	17, Interest on works for which Capital accounts are kept—Irrigation Works.	....	1,68,65,000	1,68,65,000
9	Irrigation (including working expenses).	XVII— <i>Deduct</i> — Working expenses, 18, Other revenue expenditure financed from ordinary revenues and 19, Construction of Irrigation, Navigation, Embankment and Drainage Works.	4,00,54,000	....	4,00,54,000
10	Interest on debt and other obligations.	22, Interest on debt and other obligations.	....	3,11,84,000	3,11,84,000
11	Appropriation for reduction or avoidance of debt.	23, Appropriation for reduction or avoidance of debt.	....	3,51,41,000	3,51,41,000
12	General Administration.	25, General Administration.	5,44,14,200	9,83,430	5,53,97,630
13	Administration of Justice.	27, Administration of Justice.	1,84,97,140	21,32,300	2,06,29,440
14	Jails and Convict Settlements.	28, Jails and Convict Settlements.	97,40,700	....	97,40,700
15	Police ..	29, Police ..	9,26,59,850	....	9,26,59,850
16	Ports and Pilotage.	30, Ports and Pilotage.	35,23,000	....	35,23,000

SCHEDULE—contd.

Serial No.	Services and purposes	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
17	Dangs District ..	33-A, Dangs District..	48,12,000	....	48,12,000
18	Scientific Departments.	36, Scientific Departments.	7,35,900	....	7,35,000
19	Education ..	37, Education ..	15,79,88,600	....	15,79,88,600
20	Medical ..	38, Medical ..	3,88,71,300	....	3,88,71,300
21	Public Health ..	39, Public Health ..	3,61,33,890	....	3,61,33,890
22	Agriculture ..	40, Agriculture ..	5,22,92,120	....	5,22,92,120
23	Veterinary ..	41, Veterinary ..	32,87,000	....	32,87,000
24	Co-operation ..	42, Co-operation ..	1,23,49,000	....	1,23,49,000
25	Industries ..	43, Industries ..	1,23,36,500	....	1,23,36,500
26	Industries Development.	43-A, Capital Outlay on Industrial Development.	12,000	....	12,000
27	Miscellaneous Departments (except Labour).	47, Miscellaneous Departments.	1,95,83,320	....	1,95,83,320
28	Labour ..	47, Miscellaneous Departments.	28,25,000	....	28,25,000
29	Civil Works ..	50, Civil Works ..	9,66,51,680	4,41,000	9,70,93,580
30	Bombay Development Scheme.	51, Bombay Development Scheme.	21,68,000	....	21,68,000
31	Multipurpose River Schemes.	51-B, Other Revenue Expenditure connected with Multipurpose River Schemes.	31,000	....	31,000
32	Electricity Schemes.	XLI—Receipts from Electricity Schemes—Deduct—Working expenses.	1,38,000	....	1,38,000
33	Famine ...	54, Famine ...	7,53,000	12,00,000	19,53,000
34	Territorial and Political Pensions.	54-A, Territorial and Political Pensions.	78,000	.....	78,000

SCHEDULE—contd.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3			
			Rs.	Rs.	Rs.
35	Privy Purses and Allowances.	54-B, Privy Purses and Allowances of Indian Rulers.	16,60,000	.....	16,60,000
36	Superannuation Allowances and Pensions.	55, Superannuation Allowances and Pensions.	2,80,15,000	5,18,000	2,85,33,000
37	Stationery and Printing.	56, Stationery and Printing.	1,14,27,220	.....	1,14,27,220
38	Miscellaneous ...	57, Miscellaneous ...	3,69,62,360	.....	3,69,62,360
39	Extraordinary Charges.	63, Extraordinary Charges.	3,000	.....	3,000
40	Community Development Projects, National Extension Service and Local Development Works.	63-B, Community Development Projects, National Extension Service and Local Development Works.	2,33,37,000	.....	2,33,37,000
41	Civil Defence ...	64-B, Civil Defence ...	1,04,100	.....	1,04,100
		Total Expenditure on revenue account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	81,49,59,300	12,41,40,780	93,91,00,080
42	Irrigation ...	68, Construction of Irrigation, etc., Works.	13,12,21,824	.....	13,12,21,824
43	Public Health ...	70, Capital Outlay on Improvement of Public Health.	68,81,000	.....	68,81,000
44	Industrial Development.	72, Capital Outlay on Industrial Development.	2,14,12,000	.....	2,14,12,000
45	Bombay Development Scheme.	80, Bombay Development Scheme.	5,19,000	.....	5,19,000
46	Civil Works ...	81, Capital Account of Civil Works outside the Revenue Account.	3,89,96,000	.....	3,89,96,000

SCHEDULE—*concl'd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
47	Electricity Schemes.	81-A, Capital Outlay on Electricity Schemes.	4,01,25,000	.....	4,01,25,000
48	Housing of Displaced Persons and Milk Scheme.	82, Capital Account of other State Works outside the Revenue Account.	2,22,72,200	.....	2,22,72,200
49	Payments of Com-muted value of Pensions.	83, Payments of Com-muted Value of Pensions.	9,40,000	.....	9,40,000
50	Payments to re-trenched Personnel.	85, Payments to Retrenched Personnel.	5,00,000	.....	5,00,000
51	Schemes of State Trading.	85-A, Capital Outlay on State Schemes of State Trading.	29,42,99,600	34,000	29,43,33,600
		Total—Capital Ex-penditure outside the Revenue Ac-count.	55,71,66,624	34,000	55,72,00,624
52	Permanent Debt...	Permanent Debt ...	.....	3,29,80,000	3,29,80,000
53	Loans from the Central Govern-ment.	Loans from the Central Government.	.....	1,50,37,000	1,50,37,000
54	Loans and Advances bearing interest.	Loans and Advances by State Govern-ment.	15,42,91,000	1,44,000	15,44,35,000
		Total Disbursement under Debt Heads.	15,42,91,000	4,81,61,000	20,24,52,000
		Grand Total ..	1,52,64,16,924	17,23,35,780	1,69,87,52,704

THE BOMBAY APPROPRIATION (EXCESS EXPENDITURE) ACT, 1955.

CONTENTS.

PREAMBLE

SECTIONS

- 1 Short title.
- 2 Issue of Rs. 11,60,21,713 out of the Consolidated Fund of the State of Bombay for the year 1950-51.
- 3 Appropriation.

SCHEDULE.

BOMBAY ACT No. XI OF 1955.

[THE BOMBAY APPROPRIATION (EXCESS EXPENDITURE)
ACT, 1955.]

[9th April 1955.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the Service of the year ending on the thirty-first day of March 1951.

WHEREAS by virtue of Article 205 of the Constitution of India, read with Article 204 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1951, and for the purpose of authorising the expenditure of the said sums; It is hereby enacted in the Sixth Year of the Republic of India as follows:—

1. This Act may be called the Bombay Appropriation (Excess Expenditure) Act, 1955. Short title.

2. From and out of the Consolidated Fund of the State of Bombay, there may be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rs. 11,60,21,713 towards defraying the several charges which have come in course of payment during the year ending on the thirty-first day of March 1951, in respect of the services and purposes specified in column 2 of the Schedule. Issue of Rs. 11,60,21,713 out of the Consolidated Fund of the State of Bombay for the year 1950-51.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1951. Appropriation.

SCHEDULE.

Serial No.	Services and purposes.	Heads of Account.	Sums not exceeding		Total.
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	
1	2	3	4		
			Rs.	Rs.	Rs.
1	Forest	10, Forest	....	338	338
2	Registration	11, Registration	1,682	....	1,682
3	Other Taxes and Duties	13, Other Taxes and Duties.	....	1,15,210	1,15,210
4	Appropriation for reduction or avoidance of Debt.	23, Appropriation for reduction or avoidance of Debt.	....	15,80,389	15,80,389
5	General Administration	25, General Administration.	14,36,532	....	14,36,532
6	Administration of Justice	27, Administration of Justice.	7,73,166	....	7,73,166

¹For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, p. 74.

SCHEDULE—contd.

Serial No.	Services and purposes.	Heads of Account.	Sums not exceeding.		
			Voted by the Legislative Assembly.	Charged on the Consoli- dated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
7	Ports and Pilotage	.. 30, Ports and Pilotage.	1,323	....	1,323
8	Dangs	.. 33-A, Dangs District ..	4,10,279	....	4,10,279
9	Public Health	.. 39, Public Health ..	9,07,751	....	9,07,751
10	Superannuation Allowances and Pensions.	55, Superannuation Allowances and Pensions.	2,06,876	....	2,06,876
11	Miscellaneous	.. 57, Miscellaneous ..	1,81,624	33	1,81,657
Total expenditure on Revenue Account (including Revenue Expenditure and Capital Expenditure within Revenue Account).			89,19,233	16,95,970	56,15,203
12	Civil Works	.. 81, Capital Account of Civil Works outside the Revenue Account.	1,40,979	....	1,40,979
13	Electricity Schemes	.. 81-A, Capital Outlay on Electricity Schemes.	5,20,245	....	5,20,245
14	Payment of Commuted value of Pensions.	83, Payments of Com- muted value of Pensions.	43,902	....	43,902
15	State Schemes connected with State Trading.	85-A, Capital Outlay on State Schemes of State Trading.	10,81,21,206	....	10,81,21,206
Total Capital expenditure outside the Revenue Account.			10,88,26,332	....	10,88,26,332
16	Loans from the Central Government.	Loans from the Central Government.	....	15,80,178	15,80,178
Total disbursement under Debt Heads			....	15,80,178	15,80,178
Grand Total			.. 11,27,45,565	32,76,148	11,60,21,713

THE PROVINCIAL SMALL CAUSE COURTS (SUITS VALIDATION) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Definitions..
3. Validation of certain suits, proceedings, etc.

BOMBAY ACT No. XVI OF 1955.¹

[THE PROVINCIAL SMALL CAUSE COURTS (SUITS VALIDATION) ACT, 1955.]

[14th April 1955]

An Act to validate certain suits and proceedings in the Small Cause Court established under the Provincial Small Cause Courts Act, 1887.

WHEREAS it is necessary to validate certain suits and proceedings in certain Courts of Small Causes established in the State under the Provincial Small Cause Courts Act, 1887 ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Provincial Small Cause Courts (Suits Validation) Act, 1955. Short title.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

IX of 1887. (1) "principal Act " means the Provincial Small Cause Courts Act, 1887, as amended in its application to the State of Bombay ;

(2) " Small Cause Court " means a Court of Small Causes established under the principal Act ;

(3) " special jurisdiction suit " means a suit of civil nature, the value of which exceeds Rs. 1,000 but does not exceed Rs. 2,000 ;

(4) " proceedings " includes proceedings in execution of decrees or orders passed in special jurisdiction suits or in applications for revision of the said decrees or orders.

Bom. LVII of 1950. 3. (1) Notwithstanding anything contained in sub-section (3) of section 15 of the principal Act, all special jurisdiction suits the cognizance of which was taken after the commencement of the Provincial Small Cause Courts (Bombay Amendment) Act, 1950, but before the 25th day of February 1955 by the Small Cause Courts shall be deemed, and always to have been deemed, to be taken cognizance of, tried or disposed of, validly and notwithstanding the fact that on the date on which the cognizance of such suits was taken, no order was made by the State Government directing that such suits shall be taken cognizance of by such Courts. All proceedings held, and judgments, decrees or orders passed, in such suits shall not be deemed to be invalid only on the ground that on the said date the State Government had not made such order. Validation of certain suits, proceedings, etc.

(2) Nothing contained in sub-section (1) shall affect any judgment, decree or order declaring before the 25th day of February 1955 that such Courts were incompetent to take cognizance of such suits.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, p. 78.

**THE BOMBAY JUDICIAL PROCEEDINGS (REGULATION OF REPORTS)
ACT, 1955.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Restrictions on publication of reports of judicial proceedings.
4. Penalty.
5. Jurisdiction to try offences.
6. Previous sanction.
7. Forfeiture and seizure of newspaper, etc., under section 99A of Criminal Procedure Code.
8. Operation of other laws.

SCHEDULE.

BOMBAY ACT No. XVIII OF 1955.¹

[THE BOMBAY JUDICIAL PROCEEDINGS (REGULATION OF REPORTS)
ACT, 1955.]

[6th May 1955]

An Act to regulate the publication of reports of judicial proceedings.

WHEREAS it is necessary to regulate the publication of reports of judicial proceedings, so as to prevent the publication of obscene or indecent matter and other matters, the publication of which will not be in the public interest ; It is hereby enacted in the Sixth Year of the Republic of India, as follows :—

1. (1) This Act may be called the Bombay Judicial Proceedings (Regulation of Reports) Act, 1955. Short title,
extent and
commence-
ment.

(2) It extends to the whole of the State of Bombay.

(3) It shall come into force on such date as the State Government by notification in the *Official Gazette* appoints.

2. In this Act, unless the context otherwise requires :—

Definitions.

(a) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language and every sheet of music, map, chart or plan separately printed or lithographed or otherwise mechanically produced ;

(b) "document" includes any painting, drawing or photograph or other visible representation ;

(c) "judicial proceedings" includes any proceeding in the course of which evidence is or may be legally taken on oath ;

(d) "matrimonial matter" means any proceedings for dissolution or nullity of marriage, or for judicial separation, or for restitution of conjugal rights ;

(e) "newspaper" means any periodical work containing public news or comments on public news.

3. No person shall print or publish or cause to be printed or published,—

Restrictions
on publica-
tion of
reports of
judicial
proceedings.

(a) in respect of any judicial proceedings, any indecent or obscene matter, or any indecent or obscene details whether medical, surgical or physiological, which would be calculated to injure the public morals ;

(b) in respect of any matrimonial matter or any judicial proceedings in connection with the offence under section 497 of the Indian Penal Code, any particulars other than the following, that is to say :—

(1) the names of the parties ; and

(2) the order of the Court ;

XLV
of
1860.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, p. 3.

(c) in respect of any judicial proceedings in connection with an offence under section 354, 366, 366A, 366B, 376, 377, or 498 of the Indian Penal Code, any particulars other than the following, that is to say :—

XLV
of
1860.

(1) the name, occupation and address of the accused ; and

(2) the order of the Court, without disclosing the identity of, or giving any particulars calculated to lead to the identification of, any person who may have been a victim of the offence :

Provided that nothing in this section shall apply to the printing of any pleading, transcript of evidence or other document for use in connection with any judicial proceedings or the communication thereof to persons concerned in the proceedings or to the printing or publishing of any notice or report in pursuance of the directions of the Court or to the printing or publishing of any matter in a separate volume or part of any *bona fide* series of law reports or in any publication of a technical character *bona fide* intended for circulation among members of the legal or medical professions.

Penalty.

4. Whoever contravenes the provisions of this Act shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both ; and any newspaper, book or document (including all copies thereof) in respect of which an offence has been committed shall also be liable to be forfeited to the State Government.

Jurisdiction to try offences.

5. No Court inferior to that of the Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act.

Previous sanction.

6. No Court shall take cognisance of an offence under this Act except with the previous sanction of the State Government.

Forfeiture and seizure of newspaper, etc., under section 99A of Criminal Procedure Code.

7. The provisions of section 99A of the Code of Criminal Procedure, 1898, ^{v of 1898.} are hereby amended as specified in the Schedule to this Act and the provisions of the said section as amended shall, notwithstanding anything contained in section 4, apply in respect of any newspaper, book or document, which appears to the State Government to contain any matter in contravention of the provisions of this Act.

Operation of other laws.

8. Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other law for any act which is an offence under this Act.

SCHEDULE.

(See section 7.)

In section 99A of the Code of Criminal Procedure, 1898, after the words "appears ^{v of 1898.} to the State Government to contain" the words "in respect of any judicial proceedings any indecent or obscene matter or any indecent or obscene details, whether medical, surgical or physiological, which would be calculated to injure the public morals, or" shall be inserted.

THE BOMBAY BHIL NAIK INAMS ABOLITION ACT, 1955.

CONTENTS.**PREAMBLE.****SECTIONS.**

1. Short title, extent and commencement.
2. Definitions.
3. Act not to apply to certain inams.
4. Abolition of Bhil Naik Inams and resumption of inam villages and lands.
5. Occupancy rights in respect of lands in inam villages and inam lands.
6. Uncultivated and waste lands and all property of the nature specified in section 37 of the Code vests in Government.
7. Method of compensation for abolition, etc. of other rights in lands.
8. Court-fees.
9. Finality of award of Collector and decision of Revenue Tribunal.
10. Inquiries and proceedings to be judicial proceedings.
11. Amount of compensation to be payable in transferable lands.
12. Provisions of Bom. LXVII of 1948 to govern relations of landlord and tenants.
13. Rules.
14. Saving.

BOMBAY ACT No. XXI OF 1955.¹

[THE BOMBAY BHIL NAIK INAMS ABOLITION ACT, 1955.]

[3rd June 1955]

An Act to abolish Bhil Naik Inams prevailing in the districts of West Khandesh and Nasik in the State of Bombay.

WHEREAS it is necessary and expedient in the public interest to abolish the Bhil Naik Inams held for service useful to Government on political considerations in the districts of West Khandesh and Nasik in the State of Bombay and to provide for other incidental and consequential matters hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Bhil Naik Inams Abolition Act, 1955. Short title,
extent and
commence-
ment.

(2) It extends to the districts of West Khandesh and Nasik in the State of Bombay.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

2. (1) In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(i) “appointed date” means the date on which this Act comes into force ;

(ii) “Bhil Naik Inam” means the grant of a village or land for service useful to Government on political considerations in accordance with the terms and conditions specified in Government Resolution in the Revenue Department, No. 5763, dated the 19th August 1902 and entered in the alienation register kept under section 53 of the Code as “Class VI -Village servants useful to Government” and includes the land granted in Marod village of Navapur taluka under Government order in the Revenue Department No. 288, dated the 11th January 1919 ;

Bom.
V of
1879.

(iii) “Code” means the Bombay Land Revenue Code, 1879 ;

(iv) “Collector” includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;

(v) “inamdar” means a holder of a Bhil Naik Inam ;

(vi) “inam village” or “inam land” means a village or land, as the case may be, held by an inamdar under a Bhil Naik Inam ;

(vii) “prescribed” means prescribed by rules made under this Act.

(2) The other words and expressions used but not defined in this Act shall have the meanings assigned to them in the Code.

3. Nothing in this Act shall apply to—

(i) devasthan inams or inams held for religious or charitable institutions ; and Act not to
apply to
certain
inams.

(ii) inams other than Bhil Naik Inams held for service useful to Government in an inam village or inam land.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, pp. 28-29.

Abolition of
Bhil Naik
Inams and
resumption
of inam
villages and
lands.

4. Notwithstanding any settlement, grant, sanad or order or any law for the time being in force, with effect from and on the appointed date—

(1) all Bhil Naik Inams shall be deemed to have been abolished, and

(2) any liability to render service and all other incidents appertaining to such inams are hereby extinguished.

(3) All inam villages and inam lands are hereby resumed and shall be deemed to be subject to the payment of land revenue under the provisions of the Code and the rules made thereunder and the provisions of the Code and the rules relating to unalienated lands shall apply to such lands.

Occupancy
rights in
respect of
lands in
inam
villages and
inam lands.

5. (1) In an inam village and inam land—

(i) in the case of land which is not uncultivated on the appointed date and is in the actual possession of an inamdar or in the possession of a person holding through or from him other than an inferior holder referred to in clause (b) below, such inamdar, and

(ii) in the case of land, which is not uncultivated on the appointed date and is in the possession of an inferior holder on payment of annual assessment only to the inamdar, such inferior holder,

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land and shall be entitled to all the rights and shall be liable to all obligations in respect of such land as an occupant under the Code or the rules made thereunder or any other law for the time being in force :

Provided that the inamdar, in respect of the land which is in the possession of a person holding through or from him and the inferior holder in respect of the land in his possession shall be entitled to the rights of an occupant on payment to the State Government of such occupancy price as may be fixed by the State Government by special or general order but not exceeding an amount equal to six times the amount of the full assessment of such land within the prescribed period.

(2) If the inamdar or the inferior holder fails to pay the occupancy price within the prescribed period he shall be deemed to be unauthorizedly occupying the land and shall be liable to be summarily ejected in accordance with the provisions of the Code.

(3) The occupancy of the land granted under this section shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may, by general or special order, determine.

Explanation.—For the purposes of this section and section 6, land shall be deemed to be uncultivated if it has not been cultivated for a continuous period of three years immediately before the appointed date.

Uncultivated
and waste
lands and all
property
of the nature
specified in
section 37
of the Code
vests in
Government.

6. For the removal of doubt it is hereby declared that all uncultivated and waste lands, whether assessed or unassessed, in an inam village or inam land and all other kinds of property referred to in section 37 of the Code situate in an inam village or inam land, which are not the property of the individuals or of any aggregate of persons legally capable of holding property and except in so far as any rights of such persons may be established in or over the same and except as may be otherwise provided in any law for the time being in force, are, together with all

rights in and over the same or appertaining thereto, the property of the State Government and it shall be lawful to dispose of or set apart the same by the authority and for the purpose provided in section 37 or 38 of the Code, as the case may be.

7. (1) If any person is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to, or interest in, property such person may apply to the Collector for compensation.

Method of compensation for abolition, etc. of other rights in

(2) An application under sub-section (1) shall be made to the Collector in a prescribed form within six months from the appointed date. The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining the compensation in the manner and according to the method provided for in sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894.

I of
1894.

(3) Nothing in this section shall entitle any person to compensation on the ground that any land, which was wholly or partially exempt from the payment of land revenue, has been under the provisions of this Act made subject to the payment of full assessment in accordance with the provisions of the Code.

(4) Any person aggrieved by the award of the Collector made under sub-section (2) may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, within 60 days from the date of the award.

Bom.
XII
of
1939.

(5) In deciding appeals under sub-section (4), the Bombay Revenue Tribunal shall exercise all the powers which a Court has and follow the same procedure which the Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908.

V of
1908.

(6) In computing the period for filing appeals the provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the appeals made under this section.

IX of
1908.

8. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

VII of
1870.

Court-fees.

9. The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any court.

Finality of award of Collector and decision of Revenue Tribunal.

10. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

XLV
of
1860.

Inquiries and proceedings to be judicial proceedings.

11. The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

Amount of compensation to be payable in transferable bonds.

Provisions of Bom. LXVII of 1948 to govern relations of landlord and tenants. 12. Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, Bom. LXVII to any inam village or inam land or the mutual rights and obligations of a holder of and his tenants, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act.

Rules. 13. The State Government may, subject to the condition of previous publication, make rules for the purpose of carrying out the provisions of this Act. Such rules shall when finally made be published in the *Official Gazette*.

Saving. 14. Nothing in this Act shall be deemed to affect,—
(a) any obligation or liability already incurred before the appointed date ;
or
(b) any proceeding or remedy in respect of such obligation or liability ;
and any such proceeding or remedy may be instituted, continued or enforced as if this Act had not been passed.

**THE BOMBAY MERGED TERRITORIES MISCELLANEOUS ALIENATIONS
ABOLITION ACT, 1955.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Act not to apply to certain kinds of alienations.
4. Abolition of alienations and rights and incidents in respect thereof.
5. Liability of alienated lands to payment of land revenue.
6. Occupancy rights in respect of alienated lands held under community service inam.
7. Occupancy rights in respect of lands held under watan.
8. What persons to be occupants in Wanta or Giras.
9. Occupancy rights in respect of alienated land to which section 6, 7 or 8 does not apply.
10. Effect of failure to pay occupancy price.
11. All public roads, etc. situate in alienated land to vest in Government.
12. Rights to trees.
13. Right to mines or mineral products.
14. Compensation in respect of alienation consisting of assignment of land revenue.
15. Compensation in respect of allowances in cash or kind.
16. Compensation in respect of property referred to in section 11.
17. Method of awarding compensation to alienee.
18. Method of awarding compensation for abolition, etc., of rights of other person in property.
19. Provisions of Land Acquisition Act, 1894, applicable to award.
20. Appeal against Collector's award.
21. Procedure before Revenue Tribunal.

SECTIONS.

22. Limitation.
23. Court-fees.
24. Finality of award and decision of Revenue Tribunal.
25. Inquiries and proceedings to be judicial proceedings.
26. Amount of compensation to be payable in transferable bonds.
27. Alienees to deliver records to authorized officers.
28. Provisions of Bom. LXVII of 1948 to govern the relations of Landlord and tenants.
29. Rules.
30. Saving.

SCHEDULE.

BOMBAY ACT No. XXII OF 1955.¹

[THE BOMBAY MERGED TERRITORIES MISCELLANEOUS ALIENATIONS ABOLITION ACT, 1955.]

[3rd June 1955]

An Act to abolish miscellaneous alienations of various kinds prevailing in the merged territories in the State of Bombay.

WHEREAS certain kinds of alienations prevailing in the merged territories and merged areas have been abolished ;

AND WHEREAS it is expedient in the public interest to abolish the remaining alienations of miscellaneous character prevailing in the merged territories and to provide for matters consequential and incidental thereto ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

CHAPTER I.

Preliminary.

1. (1) This Act may be called the Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955. Short title,
extent and
commence-
ment.

(2) It extends to the merged territories in the State of Bombay.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

2. (1) In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(i) “ alienation ” means a grant or recognition as a grant,—

(I) of a village, portion of a village or land to any person, whether such grant be of soil with or without exemption from payment of land revenue or of assignment of the whole or a share of land revenue thereof,

(II) of total or partial exemption from payment of land revenue to a person in respect of any land held by him, or

(III) of cash allowance or allowance in kind to any person by whatever name called,

by the ruling authority for the time being before merger or by the State Government after merger, and includes,—

(a) any total or partial exemption from payment of land revenue reserved to himself or enjoyed by a ruler of a former Indian State in respect of any land held by him in his own State before merger as his private property; and

(b) Wanta and Giras rights in land or to cash allowances regulated by the rules published under Huzur Cutcherry Notification No. T-3/80 of 1946-47, dated the 24th March 1947 (hereinafter referred to as the Baroda Giras Rules) ;

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, p. 350.

(ii) "alienated land" means a village or portion of a village or land, as the case may be, held by an alienee under an alienation;

(iii) "alienee" means the holder of an alienation and includes his co-sharer recognized as such for the purpose of such alienation;

(iv) "appointed date" means the date on which this Act comes into force;

(v) "Barkhali land" in relation to a Wanta or Giras means land held as Jiwai, Jat Dharmadaya, Devasthan, Pirasthan, Vechania, Gharania, Pasaita Chakariat, Dharmadaya Chakariat, Jat Pasaita, Kanyadan or Bathamania and treated as permanent alienations or settled under the Baroda Giras Rules;

(vi) "Code" means the Bombay Land Revenue Code, 1879;

Bom.
V of
1879.

(vii) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act;

(viii) "Community service inam" means an alienation held for the purpose of performing service useful to the village community and includes an alienation held for such service even where such service has ceased to be demanded;

(ix) "Commutation settlement" means a settlement made or confirmed under the law applicable to a watan relieving the holder, his heirs and successors of the liability to perform the services appertaining to the watan;

(x) "Girassia" means the holder of a Wanta or Giras;

(xi) "inferior holder" means a person who is in possession of an alienated land not on payment of rent but on payment of assessment in cash or kind to the alienee and includes a person holding such land through or from such person;

(xii) "merger" means the cession by the Ruler of a former Indian State of full and exclusive jurisdiction and powers for and in relation to the governance of such State and the transfer of the administration of such State to the State of Bombay under section 290A of the Government of India Act, 1935;

26 Geo.
5 Ch 2.

(xiii) "permanent tenant" in relation to a Wanta or Giras means the holder of a Wanta or Giras land or Jiwai land who has a permanent tenancy in such land;

(xiv) "prescribed" means prescribed by rules made under this Act;

(xv) "Wanta" or "Giras" means land held as Wanta or Giras by a Girassia in accordance with the provisions of the Baroda Giras Rules;

(xvi) "watan" means an alienation held as watan appertaining to the office of a village accountant commonly known as Kulkarni or known by any other similar name or as watan appertaining to the office of a District (paragana) Officer commonly known as Sardeshmukh, Deshmukh, Deshpande or Desai or known by any other similar name, whether any commutation settlement in respect of such watan has or has not been effected.

(2) The other words or expressions used but not defined in this Act shall have the meanings assigned to them in the Code.

(3) References in this Act to the incidents of alienations shall, notwithstanding the abolition of the alienations by this Act, be construed as references to the incidents as they were in force immediately before the appointed date.

(4) If any question arises—

- (i) whether any land is an alienation,
- (ii) whether any alienation is a grant of soil or an assignment of land revenue or both or is a grant of total or partial exemption from payment of land revenue,
- (iii) whether any alienation is a community service inam or watan,
- (iv) whether a commutation settlement in respect of any watan has or has not been effected,
- (v) whether any land held under an alienation is or is not alienable without the permission of a competent authority,
- (vi) whether any alienation is hereditary or for the life-time of the alienee, or
- (vii) whether any person is an inferior holder or a permanent tenant,

the State Government shall decide the question and such decision shall be final :

Provided that the State Government may authorize any officer to decide questions arising under any of the clauses (i), (ii), (iii), (iv), (v), (vi) and (vii) and subject to an appeal to the State Government, the decision of such officer shall be final.

3. (1) Nothing in this Act shall apply to—

- (a) Devasthan inams or inams held by religious or charitable institutions ;
- (b) alienations held for service useful to Government other than watan ;
- (c) any pension granted to an ex-servant of a former Indian State in consideration of the service rendered by him to such state ;
- (d) revenue-free sites granted by the ruling authority for the time being before merger for the construction of schools, colleges, hospitals, dispensaries, religious or charitable institutions or other public works from which no profit is intended to be derived ;
- (e) the sums payable under the rules for the settlement of the saranjams of the Feudatory Jagirdars of Kolhapur published in Government Notification in the Political and Services Department No. FCK. 1053, dated the 19th April 1954 ;
- (f) the land tenure to which the provisions of any of the enactments specified in the Schedule apply ;

Act not to
apply to
certain kinds
of alienations.

(2) Where an alienation is held jointly for service appertaining to a watan and for any other service useful to Government then for the purposes of this Act, the State Government shall, after holding such inquiry as it may think fit, decide what portion of such alienation shall be deemed to be an alienation held for service appertaining to a watan and what portion thereof shall be deemed to be an alienation held for any other service useful to Government.

CHAPTER II.

Abolition of alienations and conferment of occupancy rights.

4. Notwithstanding anything contained in any usage, settlement, grant, agreement, sanad, order, rule, notification or Vat Hukum or any decree or order of a Court or any law for the time being applicable to any alienation in the merged territories, with effect from and on the appointed date—

Abolition of
alienations
and rights
and incidents
in respect
thereof.

- (i) all alienations shall be deemed to have been abolished;

(ii) save as expressly provided by or under this Act all rights legally subsisting on the said date in respect of such alienations and all other incidents of such alienations shall be deemed to have been extinguished.

Liability of alienated lands to payment of land revenue.

5. Subject to the other provisions of this Act all alienated lands are and shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder and the provisions of the Code and rules relating to unalienated lands shall apply to such lands.

Occupancy rights in respect of alienated lands held under community service inam.

6. In the case of an alienated land held under a community service inam—

(a) if such land is in the actual possession of the alienee or in possession of a person holding through or from him other than an inferior holder, such alienee, and

(b) if such land is in the possession of an inferior holder, such inferior holder,

shall be primarily liable to the State Government for the payment of land revenue due in respect of the land held by him and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or the rules made thereunder :

Provided that if under the terms of the alienation such land is resumable for non-performance of service, the alienee or inferior holder, as the case may be, shall be entitled to the rights of an occupant in respect of such land on payment to the State Government of the occupancy price equal to six times the amount of the full assessment of such land within the prescribed period :

Provided further that if such land under the terms of alienation was not alienable except with the permission of a competent authority, such land shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

Occupancy rights in respect of lands held under watan.

7. All land held under a watan is hereby resumed and shall be regranted to the holder in accordance with the following provisions, namely :—

(1) in the case of a watan, if the commutation settlement permits the transfer of the land appertaining to such watan, the land shall be regranted to the holder without payment of any occupancy price ;

(2) in the case of a watan, to which clause (1) does not apply, the land appertaining to the watan shall be regranted to the holder on payment of the occupancy price equal to twelve times the amount of the full assessment of such land within the prescribed period :

Provided that in respect of the land held under a watan which has not been assigned towards the emoluments of the person performing the service appertaining to the watan, occupancy price equal to six times the amount of the full assessment of such land shall be paid by the holder within the aforesaid period for its grant ;

(3) the occupancy of the land regranted under clause (2) shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

Explanation.—For the purpose of this section, the expression “holder” shall include—

(1) an alienee holding land under a watan, and

(2) in the case of a watan the commutation settlement in respect of which permits the transfer of the land appertaining to the watan, a person in whom the ownership of such land for the time being vests.

8. (1) In a Wanta or Giras,—

What persons
to be
occupants
in Wanta or
Giras.

(i) in the case of land other than Barkhali land—

(a) if such land is in the actual possession of the Girassia or in the possession of a person other than a permanent tenant, holding through or from the Girassia, such Girassia, and

(b) if such land is in the possession of a permanent tenant, such permanent tenant,

(ii) in the case of Barkhali land, held as Jiwai land,—

(a) if such land is in the actual possession of the holder thereof (hereinafter referred to as the Jiwaidar) or in the possession of a person other than a permanent tenant holding through or from the Jiwaidar, such Jiwaidar, and

(b) if such land is in the possession of a permanent tenant, such permanent tenant, and

(iii) in the case of any other Barkhali land other than Devasthan and Pirasthan land or land held for service useful to Government, the holder of such land,

shall be primarily liable to the State Government for the payment of land revenue due in respect of the land held by him and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or the rules made thereunder :

Provided that in the case of the land referred to in sub-clause (b) of clause (i) and sub-clause (b) of clause (ii), the permanent tenant shall be entitled to the rights of an occupant on payment in the prescribed manner to the Girassia or Jiwaidar, as the case may be, of the occupancy price equivalent to six times the amount of the full assessment of such land :

Provided further that in the case of Barkhali land referred to in clause (iii), if such land was held as Dharmadaya Chakariat or Pasaita Chakariat and was not a permanent alienation within the meaning of the Baroda Giras Rules, the holder of such land shall be entitled to the rights of an occupant on payment to the State Government of the occupancy price equivalent to six times the amount of the full assessment of such land.

(2) The occupancy of land conferred on the holder of a Dharmadaya Chakariat or Pasaita Chakariat land which was not a permanent alienation within the meaning of the Baroda Giras Rules shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

Occupancy rights in respect of alienated land to which section 6, 7 or 8 does not apply.

9. In the case of an alienated land to which the provisions of section 6, 7 or 8 do not apply,

(a) if such land is in the actual possession of the alienee or is in the possession of a person holding through or from him other than an inferior holder, such alienee, and

(b) if such land is in the possession of an inferior holder, such inferior holder,

shall be primarily liable to the State Government for the payment of land revenue due in respect of the land held by him and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or the rules made thereunder :

Provided that if in respect of an alienated land the alienation consists of the grant of the soil with or without exemption from payment of land revenue, the alienee or the inferior holder, as the case may be, shall be entitled to the rights of an occupant in respect of such land on payment to the State Government of the occupancy price equal to six times the amount of the full assessment of such land within the prescribed period :

Provided further that if under the terms of the alienation such land was not alienable except with the permission of a competent authority, the occupancy of the land shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

Effect of failure to pay occupancy price.

10. (1) If any person, who is liable to pay to the State Government the occupancy price in respect of any land under section 6, 7, 8 or 9, fails to pay the same within the prescribed period, he shall be deemed to be unauthorizedly occupying the land and shall be liable to be summarily ejected in accordance with the provisions of the Code.

(2) If any person, who is liable to pay to the Girassia or Jiwaitdar, as the case may be, the occupancy price in respect of any land under section 8, fails to pay the same within the prescribed period, it shall be recoverable as an arrear of land revenue and the amount so recovered shall be paid to the Girassia or Jiwaitdar, as the case may be.

All public roads, etc., situate in alienated land to vest in Government.

11. All public roads, lanes and paths, the bridges, ditches, dikes and fences, on, or beside, the same, the bed of the sea and of harbours, creeks below high water mark, and of rivers, streams, nallas, lakes, wells and tanks, and all canals, and water courses, and all standing and flowing water, and all unbuilt village site lands, all waste lands and all uncultivated lands (excluding lands used for building or other non-agricultural purposes) which are situate within the limits of any alienated land shall, except in so far as any rights of any person other than the alienee may be established in or over the same and except as may otherwise be provided by any law for the time being in force, vest in, and shall be deemed to be with all rights in or over the same or appertaining thereto the property of, the State Government and all rights held by an alienee in such property shall be deemed to have been extinguished and it shall be lawful for the Collector, subject to the general or special orders of the State Government, to dispose them of as he deems fit, subject always to the rights of way and other rights of the public or of individuals legally subsisting.

Explanation.—For the purposes of this section, land shall be deemed to be uncultivated if it has not been cultivated for a continuous period of three years immediately before the appointed date.

- XVI of 1927. 12. The rights to trees specially reserved under the Indian Forest Act, 1927, or Rights to any other law for the time being in force, except those the ownership of which has been transferred by the State Government under any contract, grant or law for the time being in force shall vest in the State Government and nothing in this Act shall in any way affect the rights of the State Government to apply the provisions of the Indian Forest Act, 1927, as in force in the State of Bombay to forests in an alienated land.

13. Nothing in this Act or any other law for the time being in force shall be deemed to affect the rights of any alienee subsisting on the appointed date to mines or mineral products in alienated land granted or recognised under any contract, grant or law for the time being in force or by custom or usage.

CHAPTER III.

Compensation and Award thereof.

14. (1) In the case of an alienation consisting of assignment of the whole or part of the land revenue of any land or village—
- (i) if the alienation was continuable as hereditary without being subjected to any deduction or cut at the time of each succession, a sum equal to seven times the amount of such land revenue,
- (ii) if the alienation was continuable as hereditary but subject to a deduction or cut at the time of each succession, a sum equal to five times the amount of such land revenue, and
- (iii) if the alienation was continuable for the life time of the alienee, a sum equal to three times the amount of such land revenue,
- shall be paid to the alienee as compensation for the abolition of the alienation.
- (2) For the purpose of sub-section (1), the amount of land revenue shall be the amount received or due to the alienee on account of assignment of land revenue for the year immediately preceding the appointed date.

15. (1) In the case of an alienation consisting of a cash allowance or allowance in kind, the alienee shall be paid—
- (i) seven times the amount of the cash allowance or of the value of the allowance in kind, as the case may be, if the alienation was hereditary without being subjected to deduction or cut at the time of each succession;
- (ii) five times the amount of the cash allowance or the value of the allowance in kind, as the case may be, if the alienation was hereditary but subject to a deduction or cut at the time of each succession; or
- (iii) three times the amount of cash allowance or the value of the allowance in kind, as the case may be, if the alienation was continuable for the life-time of the alienee :

Provided that if under the terms of a grant any such cash allowance or allowance in kind was received by a widow for the purpose of her maintenance, it shall be continued to such widow for her life-time.

(2) For the purpose of sub-section (1), the amount of cash allowance shall be the amount paid or payable to the alienee for the year immediately preceding the appointed date and the value of the allowance in kind shall be the value of the allowance in kind paid or payable to the alienee for the year immediately preceding the appointed date, such value being determined in the prescribed manner.

Compensation in respect of property referred to in section 11.

16. Any alienee having any right or interest in any property referred to in section 11 shall, if he proves to the satisfaction of the Collector that he had any such right or interest, be entitled to compensation in the following manner, namely:—

(i) if the property in question is waste or uncultivated but is cultivable land, the amount of compensation shall not exceed three times the assessment of the land:

Provided that if the land has not been assessed, the amount of compensation shall not exceed such amount of assessment as would be leviable in the same village on the same extent of similar land used for the same purpose;

(ii) if the property in question is land over which the public has been enjoying or has acquired a right of way or any individual has any right of easement, the amount of compensation shall not exceed the amount of the annual assessment leviable in the village for uncultivated land in accordance with the rules made under the Code or if such rules do not provide for the levy of such assessment, such amount as in the opinion of the Collector shall be the market value of the right or interest held by the claimant;

(iii) if there are any trees or structures on the land, the amount of compensation shall be the market value of such trees or structures, as the case may be.

Explanation.—For the purposes of this section, the “market value” shall mean the value as estimated in accordance with the provisions of sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894, in so far as the said provisions may be applicable. I of 1894.

Method of awarding compensation to alienee.

17. (1) Any alienee entitled to compensation under section 14, 15 or 16 shall within the prescribed period apply in writing to the Collector for determining the amount of compensation payable to him under the said section.

(2) On receipt of an application under sub-section (1), the Collector shall after making formal enquiry in the manner provided by the Code, make an award determining the amount of compensation. Where there are co-sharers claiming compensation, the Collector shall by his award apportion the compensation between the co-sharers.

Method of awarding compensation for abolition, etc., of rights of other person in property.

18. (1) If any person is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to, or interest in, property and if compensation for such abolition, extinguishment or modification has not been provided for in the provisions of this Act, such person may apply to the Collector for compensation.

I of
1894. (2) The application under sub-section (1) shall be made to the Collector in the prescribed form within the prescribed period. The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining the compensation in the manner and according to the method provided for in sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894.

(3) Nothing in this section shall entitle any person to compensation on the ground that any alienated land which was wholly or partially exempt from payment of land revenue has been under the provisions of this Act made subject to the payment of full assessment in accordance with the provisions of the Code.

I of
1894. 19. Every award made under section 17 or 18 shall be in the form prescribed in section 26 of the Land Acquisition Act, 1894, and the provisions of the said Act shall, so far as may be, apply to the making of such award. Provisions of Land Acquisition Act, 1894, applicable to award.

Bom.
XII
of
1939. 20. An appeal shall lie against an award of the Collector to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, notwithstanding anything contained in the said Act. Appeal against Collector's award.

21. (1) The Bombay Revenue Tribunal shall, after giving notice to the appellant and the State Government, decide the appeal and record its decision. Procedure before Revenue Tribunal.

(2) In deciding an appeal under this Act the Bombay Revenue Tribunal shall exercise all the powers which a Court has and shall follow the same procedure which a Court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908. V of
1908.

IX of
1908. 22. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal. Limitation.

VII of
1870. 23. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed. Court-fees.

24. The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court. Finality of award and decision of Revenue Tribunal.

XLV
of
1860. 25. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code. Inquiries and Proceedings to be judicial proceedings.

26. The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed. Amount of compensation to be payable in transferable bonds.

CHAPTER IV.

Miscellaneous.

Alienees to deliver records to authorized officers.

27. (1) Whenever an officer authorized by the State Government in this behalf so directs, an alienee shall deliver to him or such other officer as may be specified in the direction, the records relating to the alienated land maintained by the alienee.

(2) If the alienee fails without reasonable cause to deliver any such records, he shall, on conviction, be punished with fine which may extend to two hundred rupees. In the case of a continuing failure to deliver any such records the alienee shall be punished with an additional fine which may extend to twenty-five rupees for every day during which such failure continues after conviction for the first such failure.

Provisions of Bom. LXVII of 1948 to govern the relations of landlord and tenants.

28. Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, Bom. LXVII of 1948, to any alienated land or the mutual rights and obligations of a landlord and his tenants save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act.

Rules.

29. The State Government may, subject to the condition of previous publication, make rules for the purposes of carrying out the provisions of this Act. Such rules shall, when finally made, be published in the *Official Gazette*.

Saving.

30. Nothing contained in this Act shall affect,—

(1) any obligation or liability already incurred under an incident of an alienation before the date on which this Act comes into force, or

(2) any proceeding or remedy in respect of such obligation or liability,

and any such proceeding or remedy may be instituted, continued or enforced as if this Act had not been passed.

SCHEDULE.

(See section 3.)

1. The Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953 (Bom. XLIII of 1953).

2. The Bombay Kauli and Katuban Tenures (Abolition) Act, 1953 (Bom. XLIV of 1953).

3. The Bombay Merged Territories (Baroda Mulgiras Tenure Abolition) Act, 1953 (Bom. XLV of 1953).

4. The Bombay Merged Territories (Baroda Watan Abolition) Act, 1953 (Bom. XLVI of 1953).

5. The Bombay Merged Territories Matadari Tenure Abolition Act, 1953 (Bom. XLVIII of 1953).

6. The Bombay Merged Territories (Janjira and Bhior) Khoti Tenure Abolition Act, 1953 (Bom. LXXI of 1953).

7. The Bombay (Okhamandal Salami Tenure Abolition) Act, 1953 (Bom. I of 1954).

8. The Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953 (Bom. XXXIX of 1954).

THE INDIAN FOREST (BOMBAY AMENDMENT) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 2 of Act XVI of 1927.
3. Amendment of section 28 of Act XVI of 1927.
4. Amendment of section 35 of Act XVI of 1927.
5. Insertion of new sections 36-A, 36-B and 36-C in Act XVI of 1927
6. Insertion of new section 80-A in Act XVI of 1927.

BOMBAY ACT No. XXIV OF 1955.¹

[THE INDIAN FOREST (BOMBAY AMENDMENT) ACT, 1955.]

[22nd June 1955]

An Act further to amend the Indian Forest Act, 1927, in its application to the State of Bombay.

XVI of 1927. WHEREAS it is expedient further to amend the Indian Forest Act, 1927, in its application to the State of Bombay, for the purposes hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Indian Forest (Bombay Amendment) Act, Short title. 1955.

XVI of 1927. 2. In section 2 of the Indian Forest Act, 1927 (hereinafter referred to as "the said Act"), in sub-clause (a) of clause (4), after the word "kuth" the words " , apta and temburni leaves " shall be inserted. Amendment of section 2 of Act XVI of 1927.

3. In section 28 of the said Act,—

Bom. VI of 1933. Bom. VII of 1925. (1) in sub-section (1), after the word "village-community" the words and figures " , village panchayat established under the Bombay Village Panchayats Act, 1933, or co-operative society registered or deemed to be registered under the Bombay Co-operative Societies Act, 1925," shall be inserted ; Amendment of section 28 of Act XVI of 1927.

(2) in sub-section (2), after the word "community" the words " , panchayat or society " shall be inserted.

4. In section 35 of the said Act,—

(1) in sub-section (3), after the words "until after the issue" the words "by an officer authorised by the State Government in that behalf" shall be inserted ; Amendment of section 35 of Act XVI of 1927.

(2) after sub-section (3), the following sub-sections shall be added, namely :—

"(4) A notice to show cause why a notification under sub-section (1) should not be made, may require that for any period not exceeding six months, or till the date of the making of a notification, whichever is earlier, the owner of such forest and all persons who are entitled or permitted to do therein any or all of the things specified in clause (i) of sub-section (1), whether by reason of any right, title or interest or under any licence or contract or otherwise, shall not, after the date of the notice and for the period or until the date aforesaid, as the case may be, do any or all the things specified in clause (i) of sub-section (1), to the extent specified in the notice.

V of 1908. (5) A notice issued under sub-section (3) shall be served on the owner of such forest in the manner provided in the Code of Civil Procedure, 1908, for the service of summons and shall also be published in the manner prescribed by rules.

(6) Any person contravening any requisition made under sub-section (4) in a notice to show cause why a notification under sub-section (1) should not be made shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both."

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, pp. 38-39.

Insertion of new sections 36-A, 36-B and 36-C in Act XVI of 1927.

5. After section 36 of the said Act, the following new sections shall be inserted, namely :—

Manner of serving notice and order under section 36.

" 36-A. The notice referred to in sub-section (1) of section 36 and the order, if any, made placing a forest under the control of a Forest-officer shall be served on the owner of such forest in the manner provided in the Code of Civil Procedure, 1908, for the service of summons. V of 1908.

Period of control.

36-B. (1) The period of such control of any forest shall be for ten years from the date of the order aforesaid ; but such period may thereafter be extended for successive periods of not more than ten years each :

Provided that the period of such control shall not in the aggregate exceed 30 years from the date of the order.

(2) The Forest-officer, under whose control the forest is placed, shall, not later than six months before the expiry of any period referred to in sub-section (1), make a report regarding such control and shall state therein whether in his opinion, any period of control should be extended.

(3) After considering any such report and subject to sub-section (1), the State Government shall decide whether to extend any period of control or whether to terminate it in the manner provided in the next succeeding section.

(4) No period of control shall be extended unless the owner has been given reasonable opportunity of showing cause against such extension.

Termination of control.

36-C. (1) If the State Government decides to terminate any period of control of any forest, it shall, by order published in the *Official Gazette* and in such other manner as may be prescribed by rules, so declare ; and thereupon possession of the forest shall be given to the owner, or if the owner be dead, to any person entitled to such possession, together with any sum of money which may be standing to the credit of such owner.

(2) All acts done or purported to be done by the Forest-officer in respect of any forest placed under his control, during the period of such control or of any extension thereof, shall be binding on the owner of such forest or any person to whom possession of the forest has been delivered under this section."

Insertion of new section 80-A in Act XVI of 1927.

6. After section 80 of the said Act, the following section shall be inserted, namely :—

Power of Government to apply provisions of this Act to certain lands of Government or local authority.

" 80-A. The State Government may, by notification in the *Official Gazette*, declare that any of the provisions of this Act shall apply to all or any lands on the banks of canals or the sides of roads which are the property of the State Government or a local authority and thereupon such provisions shall apply to such lands accordingly."

THE BOMBAY REPEALING AND AMENDING ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Repeal of certain enactments.
3. Amendment of certain enactments.

THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

BOMBAY ACT No. II OF 1955.¹

[THE BOMBAY REPEALING AND AMENDING ACT, 1955.]

[16th March 1955]

An Act to repeal certain enactment and to amend certain other enactments.

WHEREAS it is expedient to repeal certain enactment and to amend certain other enactments for the purposes hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Repealing and Amending Act, 1955. Short title.
2. The enactment specified in the First Schedule is hereby repealed to the extent mentioned in the fourth column thereof. Repeal of certain enactment.
3. The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof. Amendment of certain enactments.

THE FIRST SCHEDULE.**REPEAL.**

(See section 2.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1912	VI	... The Bombay Medical Act, 1912.	Section 9A.

THE SECOND SCHEDULE.**AMENDMENTS.**

(See section 3.)

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1901	III	... The Bombay District Municipal Act, 1901.	In section 48, in sub-section (1), in clause (j) for the words " use or consumption " the words " consumption, use or sale " shall be substituted.
1908	XVI	... The Indian Registration Act, 1908, in its application to the State of Bombay.	In section 69, clause (gg) of sub-section (1) as inserted by the Indian Registration (Bombay Amendment) Act, 1930, shall be re-lettered as clause (ggg). Bom. XVII of 1930.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, pp. 33-35.
MO-B 1791 H—1a

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1912	VI	... The Bombay Medical Act, 1912.	(1) In section 2,— <div style="margin-left: 2em;">(i) in sub-section (3), after the words "The President" the words "and Vice-President" shall be inserted. (ii) in sub-section (4) for the words "the President and members" the words "the President and Vice-President and other members" shall be substituted. (2) In section 3, in sub-section (1) for the words "The President and members" the words "The President, Vice-President and other members" shall be substituted. (3) In section 4, after the words "in the absence of the President" the words "the Vice-President and in the absence of both" shall be inserted.</div>
1925	XVIII	... The Bombay Municipal Boroughs Act, 1925.	In section 61, in clause (n) of sub-section (1) for the words "use or consumption" the words "consumption, use or sale" shall be substituted.
1938	XXVI	... The Bombay Medical Practitioners' Act, 1938.	In section 18A, to sub-section (1), the following proviso shall be added and shall be deemed always to have been added, namely:— "Provided that the renewal fee due on 31st day of December 1954 may be paid not later than the 31st day of March 1955."
1939	XXII	... The Bombay Agricultural Produce Markets Act, 1939.	After section 21A, the following new section shall be inserted, namely:— <div style="margin-left: 2em;">Chairman, Vice-Chairman, members, secretary and servants of market committee to be public servants. "21B. The Chairman, the Vice-Chairman, the members, the secretary and other officers and servants of a Market Committee shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code."</div>
1947	LXI	... The Bombay Primary Education Act, 1947.	(1) In section 2, after clause (10), the following clause shall be inserted, namely:— <div style="margin-left: 2em;">"(10A) 'Educational Inspector of the district' means the Educational Inspector appointed for a district or group of districts;" (2) In sections 23, 24 and 34 for the words "Educational Inspector of the division" the words "Educational Inspector of the district" shall be substituted. (3) In section 49, in sub-section (2) after the words "Educational Inspector" the words "of the district" shall be inserted.</div>

XLV
of
1860.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1951	XLVIII ...	The Bombay Homoeopathic Act, 1951.	<p>In section 19, to sub-section (2), the following proviso shall be added, namely:—</p> <p>“Provided that in respect of persons eligible for registration under sub-clause (b) of clause (i) of sub-section (3) of section 18, such applications for registration may be made to the Registration Tribunal before the expiry of two months from the date of the coming into force of the Bombay Repealing and Amending Act, 1955.”</p> <p>Bom. II of 1955.</p>
1953	XLIII ...	The Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953.	<p>(1) In the preamble, in sub-section (2) of section 1, and sub-clause (ii) of clause (b) of sub-section (I) of section 2 after the word “Malpur,” the word “Ambaliara,” and after the words “Deogadh Baria” the words “and of the former estate of Ramas”, and</p> <p>(2) in the Second Schedule, in the heading after the word “Malpur,” the word “Ambaliara,” and after the word “States” the words “and of the former estate of Ramas”,</p> <p>shall be inserted and shall be deemed always to have been inserted.</p>
1954	XIV ...	The Bombay Nurses, Midwives and Health Visitors Act, 1954.	<p>(1) In section 2, to clause (g), the words “and an auxiliary nurse and midwife” shall be added.</p> <p>(2) In section 29, in clause (c) of sub-section (2) after the words “and examinations” the brackets and words “(including those for auxiliary nurses and midwives)” shall be inserted.</p>
1954	XLI ...	The Bombay Village Industries Act, 1954.	<p>For section 32, the following shall be substituted, namely:—</p> <p>“32. For the avoidance of doubt, it is hereby declared that nothing in this Act shall apply to or be deemed to apply to any industry, the control of which by the Union is declared by Parliament by law to be expedient in the public interest.”</p> <p>Saving.</p>

THE BOMBAY (SUPPLEMENTARY) APPROPRIATION ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. . Short title.
2. Issue of Rs. 4,49,04,184 out of the Consolidated Fund of the State of Bombay for the year 1954-55.
3. Appropriation.

SCHEDULE.

BOMBAY ACT No. III OF 1955.¹

[THE BOMBAY (SUPPLEMENTARY) APPROPRIATION ACT, 1955.]

[16th March 1955]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1955.

WHEREAS by virtue of Article 204 of the Constitution of India, read with Article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1955, and for the purpose of authorising payment of the said sums; It is hereby enacted in the Sixth Year of the Republic of India as follows:—

1. This Act may be called the Bombay (Supplementary) Appropriation Act, 1955. Short title.
2. From and out of the Consolidated Fund of the State of Bombay, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rupees 4,49,04,184 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1955, in respect of the services and purposes specified in column 2 of the Schedule. Issue of Rs. 4,49,04,184 out of the Consolidated Fund of the State of Bombay for the year 1954-55.
3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1955. Appropriation.

SCHEDULE.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
1	Land Revenue ..	7—Land Revenue ..	90	37,754	37,844
2	State Excise ..	8—State Excise ..	96,210	4,099	1,00,309
3	Forest ..	10—Forest ..	20	2,742	2,762
4	Registration ..	11—Registration ..	60,000	59	60,059

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, p. 69.

SCHEDULE—contd.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consoli- dated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
5	Charges on account of Motor Vehicles Acts.	12—Charges on account of Motor Vehicles Acts.	68,000	49,000	1,17,000
6	Other Taxes and Duties.	13—Other Taxes and Duties.	3,24,000	....	3,24,000
7	Irrigation (including working expenses).	XVII—Deduct— Working expenses, 18, Other revenue expenditure financed from ordinary revenues and 19, Construction of Irrigation, Navigation, Embankment and Drainage Works.	68,01,680	....	68,01,680
8	General Administration.	25—General Administration.	230	....	230
9	Administration of Justice.	27—Administration of Justice.	150	30	180
10	Police ..	29—Police ..	150	1,640	1,790
11	Ports and Pilotage ..	30—Ports and Pilotage.	30	....	30
12	Scientific Departments.	36—Scientific Departments.	1,74,381	....	1,74,381
13	Education ..	37—Education ..	13,49,730	....	13,49,730
14	Medical ..	38—Medical ..	120	....	120
15	Public Health ..	39—Public Health ..	70	....	70
16	Agriculture ..	40—Agriculture ..	19,89,315	....	19,89,315
17	Veterinary ..	41—Veterinary ..	3,030	....	3,030
18	Co-operation ..	42—Co-operation ..	20	1,044	1,064
19	Industries ..	43—Industries ..	70	....	70
20	Labour ..	47—Miscellaneous Departments (Labour).	10	....	10

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
21	Miscellaneous Departments (except Labour).	47—Miscellaneous Departments (except Labour).	56,96,070	104	56,96,174
22	Civil Works ..	50—Civil Works ..	230	30,010	30,290
23	Bombay Development Scheme.	51—Bombay Development Scheme.	10	19	29
24	Multipurpose River Schemes.	51-B—Other Revenue Expenditure connected with Multipurpose River Schemes.	4,48,500	....	4,48,500
25	Electricity Schemes.	XII—Receipts from Electricity Schemes Deduct Working expenses.	10	....	10
26	Other Revenue Expenditure connected with Electricity Schemes.	52-A—Other Revenue Expenditure connected with Electricity Schemes.	10	....	10
27	Electricity Schemes.	53—Capital Outlay on Electricity Schemes.	10	....	10
28	Famine ..	54—Famine ..	....	1,25,01,198	1,25,01,198
29	Territorial and Political Pensions.	54-A—Territorial and Political Pensions.	30,300	....	30,300
30	Superannuation Allowances and Pensions.	55—Superannuation Allowances and Pensions.	2,20,000	50,000	2,70,000
31	Stationery and Printing.	56—Stationery and Printing.	10	....	10
32	Miscellaneous ..	57—Miscellaneous ..	17,43,058	1,73,257	19,16,315
33	Extraordinary Charges.	63—Extraordinary Charges.	140	....	140
34	Community Development Projects.	63-B—Community Development Projects.	10	....	10

SCHEDULE—contd.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consoli- dated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
35	Civil Defence ..	64-B—Civil Defence	2,611	....	2,611
		Total expenditure on Revenue Account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	1,90,08,325	1,28,50,956	3,18,59,281
36	Irrigation ..	68—Construction of Irrigation, etc. Works.	150	....	150
37	Public Health ..	70—Capital Outlay on Improvement of Public Health.	20	....	20
38	Agricultural Improve- ment and Research.	71—Capital Outlay on Schemes of Agricultural Improve- ment and Research.	5,20,850	....	5,20,850
39	Industrial Develop- ment.	72—Capital Outlay on Industrial Deve- lopment.	60,00,000	....	60,00,000
40	Bombay Develop- ment Scheme.	80—Bombay Deve- lopment Scheme.	29,473	....	29,473
41	Civil Works ..	81—Capital Account of Civil Works outside the Revenue Account.	50	....	50
42	Electricity Schemes.	81-A—Capital Out- lay on Electricity Schemes.	10	....	10
43	Housing of Displaced Persons and Milk Scheme.	82—Capital Account of other State Works outside the Revenue Account	50	16,07,969	16,08,019
44	Payments to Retren- ched Personnel.	85—Payments to Retrenched Person- nel.	5,00,000	....	5,00,000

SCHEDULE—concl.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consoli- dated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
45	Schemes of State Trading.	85-A—Capital Out- lay on State Schemes of Government Trading.	30	....	30
		Total—Capital Ex- penditure outside the Revenue Account.	70,50,633	16,07,969	86,58,602
46	Permanent Debt ..	Permanent Debt ..	....	42,07,643	42,07,643
47	Floating Debt ..	Floating Debt ..	....	16,488	16,488
48	Loans and Advances bearing interest.	Loans and Advances by State Govern- ment.	50	1,62,120	1,62,170
		Total Disbursement under Debt Heads.	50	43,86,251	43,86,301
		Grand Total ..	2,60,59,008	1,88,45,176	4,49,04,184

THE BOMBAY APPROPRIATION ACT, 1955.

CONTENTS.

PREAMBLE

SECTIONS.

1. Short title.
2. Issue of Rs. 1,69,87,52,704 out of the Consolidated Fund of the State of Bombay for the year 1955-56.
3. Appropriation.

SCHEDULE

BOMBAY ACT No. IV OF 1955.¹**[THE BOMBAY APPROPRIATION ACT, 1955.]****[30th March 1955]**

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1956.

WHEREAS by virtue of article 204 of the Constitution of India it is necessary to provide for the passing of an Appropriation Act for the appropriation of sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1956 ; and for the purpose of authorising payment of the said sums ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Appropriation Act, 1955.

Short title.

2. From and out of the Consolidated Fund of the State of Bombay, there may be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rs. 1,69,87,52,704 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1956, in respect of the services and purposes specified in column 2 of the Schedule to this Act.

Issue of Rs. 1,69,87,52,704 out of the Consolidated Fund of the State of Bombay for the year 1955-56.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1956.

Appropriation.

SCHEDULE.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
1	Land Revenue ..	7, Land Revenue ..	2,48,43,280	....	2,48,43,280
2	State Excise ..	8, State Excise ..	35,26,700	....	35,26,700
3	Stamps ..	9, Stamps	6,20,000	....	6,20,000

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, pp. 84-85.

SCHEDULE—contd.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
4	Forest ..	10, Forest ..	1,58,70,900	33,000	1,59,03,900
5	Registration ..	11, Registration ..	16,50,000	....	16,50,000
6	Charges on account of Motor Vehicles Acts.	12, Charges on account of Motor Vehicles Acts.	18,40,300	2,14,19,300	2,32,59,600
7	Other Taxes and Duties.	13, Other Taxes and Duties.	51,65,200	1,42,22,800	1,93,88,000
8	Interest on works for which Capital accounts are kept—Irrigation Works.	17, Interest on works for which Capital accounts are kept—Irrigation Works.	....	1,68,65,000	1,68,65,000
9	Irrigation (including working expenses).	XVII—Deduct— Working expenses, 18, Other revenue expenditure financed from ordinary revenues and 19, Construction of Irrigation, Navigation, Embankment and Drainage Works.	4,00,54,000	....	4,00,54,000
10	Interest on debt and other obligations.	22, Interest on debt and other obligations.	....	3,11,84,000	3,11,84,000
11	Appropriation for reduction or avoidance of debt.	23, Appropriation for reduction or avoidance of debt.	....	3,51,41,000	3,51,41,000
12	General Administration.	25, General Administration.	5,44,14,200	9,83,480	5,53,97,680
13	Administration of Justice.	27, Administration of Justice.	1,84,97,140	21,82,300	2,06,29,440
14	Jails and Convict Settlements.	28, Jails and Convict Settlements.	97,40,700	....	97,40,700
15	Police ..	29, Police ..	9,26,59,850	....	9,26,59,850
16	Ports and Pilotage.	30, Ports and Pilotage.	35,23,000	....	35,23,000

SCHEDULE—contd.

Serial No.	Services and purposes	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
17	Dangs District ..	33-A, Dangs District..	48,12,000	....	48,12,000
18	Scientific Departments.	36, Scientific Departments.	7,35,000	....	7,35,000
19	Education ..	37, Education ..	15,79,88,600	....	15,79,88,600
20	Medical ..	38, Medical ..	3,88,71,300	....	3,88,71,300
21	Public Health ..	39, Public Health ..	3,61,33,890	....	3,61,33,890
22	Agriculture ..	40, Agriculture ..	5,22,92,120	....	5,22,92,120
23	Veterinary ..	41, Veterinary ..	32,87,000	....	32,87,000
24	Co-operation ..	42, Co-operation ..	1,23,49,000	....	1,23,49,000
25	Industries ..	43, Industries ..	1,23,36,500	....	1,23,36,500
26	Industries Development.	43-A, Capital Outlay on Industrial Development.	12,000	....	12,000
27	Miscellaneous Departments (except Labour).	47, Miscellaneous Departments.	1,95,83,320	....	1,95,83,320
28	Labour ..	47, Miscellaneous Departments.	28,25,000	....	28,25,000
29	Civil Works ..	50, Civil Works ..	9,66,51,680	4,41,000	9,70,93,580
30	Bombay Development Scheme.	51, Bombay Development Scheme.	21,68,000	....	21,68,000
31	Multipurpose River Schemes.	51-B, Other Revenue Expenditure connected with Multipurpose River Schemes.	31,000	....	31,000
32	Electricity Schemes.	XLI—Receipts from Electricity Schemes—Deduct—Working expenses.	1,38,000	....	1,38,000
33	Famine ...	54, Famine ...	7,53,000	12,00,000	19,53,000
34	Territorial and Political Pensions.	54-A, Territorial and Political Pensions.	78,000	.....	78,000

SCHEDULE—contd.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
			4		
1	2	3	4		
			Rs.	Rs.	Rs.
35	Privy Purses and Allowances.	54-B, Privy Purses and Allowances of Indian Rulers.	16,60,000	.....	16,60,000
36	Superannuation Allowances and Pensions.	55, Superannuation Allowances and Pensions.	2,80,15,000	5,18,000	2,85,33,000
37	Stationery and Printing.	56, Stationery and Printing.	1,14,27,220	.....	1,14,27,220
38	Miscellaneous ...	57, Miscellaneous ...	3,69,62,300	.....	3,69,62,300
39	Extraordinary Charges.	63, Extraordinary Charges.	3,000	.....	3,000
40	Community Development Projects, National Extension Service and Local Development Works.	63-B, Community Development Projects, National Extension Service and Local Development Works.	2,33,37,000	.....	2,33,37,000
41	Civil Defence ...	64-B, Civil Defence ...	1,04,100	.....	1,04,100
		Total Expenditure on revenue account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	81,49,59,300	12,41,40,780	93,91,00,080
42	Irrigation ...	68, Construction of Irrigation, etc., Works.	13,12,21,824	.....	13,12,21,824
43	Public Health ...	70, Capital Outlay on Improvement of Public Health.	68,81,000	.....	68,81,000
44	Industrial Development.	72, Capital Outlay on Industrial Development.	2,14,12,000	.....	2,14,12,000
45	Bombay Development Scheme.	80, Bombay Development Scheme.	5,19,000	.....	5,19,000
46	Civil Works ...	81, Capital Account of Civil Works outside the Revenue Account.	3,89,96,000	.....	3,89,96,000

SCHEDULE—concl'd.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
47	Electricity Schemes.	81-A, Capital Outlay on Electricity Schemes.	4,01,25,000	.....	4,01,25,000
48	Housing of Displaced Persons and Milk Scheme.	82, Capital Account of other State Works outside the Revenue Account.	2,22,72,200	.....	2,22,72,200
49	Payments of Com-muted value of Pensions.	83, Payments of Com-muted Value of Pensions.	9,40,000	.....	9,40,000
50	Payments to re-trenched Personnel.	85, Payments to Retrenched Personnel.	5,00,000	.....	5,00,000
51	Schemes of State Trading.	85-A, Capital Outlay on State Schemes of State Trading.	29,42,99,600	34,000	29,43,33,600
		Total—Capital Ex-penditure outside the Revenue Ac-count.	55,71,66,624	34,000	55,72,00,624
52	Permanent Debt...	Permanent Debt ...	.....	3,29,80,000	3,29,80,000
53	Loans from the Central Govern-ment.	Loans from the Central Government.	.....	1,50,37,000	1,50,37,000
54	Loans and Advances bearing interest.	Loans and Advances by State Govern-ment.	15,42,91,000	1,44,000	15,44,35,000
		Total Disbursement under Debt Heads.	15,42,91,000	4,81,61,000	20,24,52,000
		Grand Total ..	1,62,64,16,924	17,23,35,780	1,69,87,52,704

THE BOMBAY APPROPRIATION (EXCESS EXPENDITURE) ACT, 1955.

CONTENTS.

PREAMBLE

SECTIONS

- 1 Short title.
- 2 Issue of Rs. 11,60,21,713 out of the Consolidated Fund of the State of Bombay for the year 1950-51.
- 3 Appropriation.

SCHEDULE

BOMBAY ACT No. XI OF 1955.

[THE BOMBAY APPROPRIATION (EXCESS EXPENDITURE)
ACT, 1955.]

[9th April 1955.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the Service of the year ending on the thirty-first day of March 1951.

WHEREAS by virtue of Article 205 of the Constitution of India, read with Article 204 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1951, and for the purpose of authorising the expenditure of the said sums; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Appropriation (Excess Expenditure) Short title, Act, 1955.

2. From and out of the Consolidated Fund of the State of Bombay, there may be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rs. 11,60,21,713 towards defraying the several charges which have come in course of payment during the year ending on the thirty-first day of March 1951, in respect of the services and purposes specified in column 2 of the Schedule.

Issue of Rs.
11,60,21,713
out of the
Consolidated
Fund of the
State of
Bombay for
the year
1950-51.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1951.

SCHEDULE.

Serial No.	Services and purposes.	Heads of Account.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
1	Forest ..	10, Forest ..	....	338	338
2	Registration ..	11, Registration ..	1,682	....	1,682
3	Other Taxes and Duties ..	13, Other Taxes and Duties.	....	1,15,210	1,15,210
4	Appropriation for reduction or avoidance of Debt.	23, Appropriation for reduction or avoidance of Debt.	....	15,80,389	15,80,389
5	General Administration ..	25, General Administration.	14,36,532	....	14,36,532
6	Administration of Justice	27, Administration of Justice.	7,73,166	....	7,73,166

¹For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, p. 74.

SCHEDULE—contd.

Serial No.	Services and purposes.	Heads of Account.	Sums not exceeding.		
			Voted by the Legislative Assembly.	Charged on the Consoli- dated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
7	Ports and Pilotage	.. 30, Ports and Pilotage.	1,323	....	1,323
8	Dangs	.. 33-A, Dangs District ..	4,10,279	....	4,10,279
9	Public Health	.. 39, Public Health ..	9,07,751	....	9,07,751
10	Superannuation Allowances and Pensions.	55, Superannuation Allowances and Pensions.	2,06,876	....	2,06,876
11	Miscellaneous	.. 57, Miscellaneous ..	1,81,624	33	1,81,657
Total expenditure on Revenue Account (including Revenue Expenditure and Capital Expenditure within Revenue Account).			39,19,233	16,95,970	56,15,203
12	Civil Works	.. 81, Capital Account of Civil Works outside the Revenue Account.	1,40,979	....	1,40,979
13	Electricity Schemes	.. 81-A, Capital Outlay on Electricity Schemes.	5,20,245	....	5,20,245
14	Payment of Commuted value of Pensions.	83, Payments of Com- muted value of Pensions.	43,902	....	43,902
15	State Schemes connected with State Trading.	85-A, Capital Outlay on State Schemes of State Trading.	10,81,21,206	....	10,81,21,206
Total Capital expenditure outside the Revenue Account.			10,88,26,332	....	10,88,26,332
16	Loans from the Central Government.	Loans from the Central Government.	....	15,80,178	15,80,178
Total disbursement under Debt Heads			....	15,80,178	15,80,178
Grand Total			.. 11,27,45,565	32,76,148	11,60,21,713

THE PROVINCIAL SMALL CAUSE COURTS (SUITS VALIDATION) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title:
2. Definitions.
3. Validation of certain suits, proceedings, etc..

BOMBAY ACT No. XVI OF 1955.¹

[THE PROVINCIAL SMALL CAUSE COURTS (SUITS VALIDATION) ACT, 1955.]

[14th April 1955]

An Act to validate certain suits and proceedings in the Small Cause Court established under the Provincial Small Cause Courts Act, 1887.

WHEREAS it is necessary to validate certain suits and proceedings in certain Courts of Small Causes established in the State under the Provincial Small Cause Courts Act, 1887 ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Provincial Small Cause Courts (Suits Validation) Act, 1955.

2. In this Act, unless there is anything repugnant in the subject or context,—

IX of 1887. (1) "principal Act" means the Provincial Small Cause Courts Act, 1887, as amended in its application to the State of Bombay ;

(2) "Small Cause Court" means a Court of Small Causes established under the principal Act ;

(3) "special jurisdiction suit" means a suit of civil nature, the value of which exceeds Rs. 1,000 but does not exceed Rs. 2,000 ;

(4) "proceedings" includes proceedings in execution of decrees or orders passed in special jurisdiction suits or in applications for revision of the said decrees or orders.

Bom. LVII of 1950. 3. (1) Notwithstanding anything contained in sub-section (3) of section 15 of the principal Act, all special jurisdiction suits the cognizance of which was taken after the commencement of the Provincial Small Cause Courts (Bombay Amendment) Act, 1950, but before the 25th day of February 1955 by the Small Cause Courts shall be deemed, and always to have been deemed, to be taken cognizance of, tried or disposed of, validly and notwithstanding the fact that on the date on which the cognizance of such suits was taken, no order was made by the State Government directing that such suits shall be taken cognizance of by such Courts. All proceedings held, and judgments, decrees or orders passed, in such suits shall not be deemed to be invalid only on the ground that on the said date the State Government had not made such order.

(2) Nothing contained in sub-section (1) shall affect any judgment, decree or order declaring before the 25th day of February 1955 that such Courts were incompetent to take cognizance of such suits.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, p. 78.

**THE BOMBAY JUDICIAL PROCEEDINGS (REGULATION OF REPORTS)
ACT, 1955.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Restrictions on publication of reports of judicial proceedings.
4. Penalty.
5. Jurisdiction to try offences.
6. Previous sanction.
7. Forfeiture and seizure of newspaper, etc., under section 99A of Criminal Procedure Code.
8. Operation of other laws.

SCHEDULE.

BOMBAY ACT No. XVIII OF 1955.¹

[THE BOMBAY JUDICIAL PROCEEDINGS (REGULATION OF REPORTS)
ACT, 1955.]

[6th May 1955]

An Act to regulate the publication of reports of judicial proceedings.

WHEREAS it is necessary to regulate the publication of reports of judicial proceedings, so as to prevent the publication of obscene or indecent matter and other matters, the publication of which will not be in the public interest ; It is hereby enacted in the Sixth Year of the Republic of India, as follows :—

1. (1) This Act may be called the Bombay Judicial Proceedings (Regulation of Reports) Act, 1955. Short title,
extent and
commence-
ment.

(2) It extends to the whole of the State of Bombay.

(3) It shall come into force on such date as the State Government by notification in the *Official Gazette* appoints.

2. In this Act, unless the context otherwise requires :—

Definitions.

(a) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language and every sheet of music, map, chart or plan separately printed or lithographed or otherwise mechanically produced ;

(b) "document" includes any painting, drawing or photograph or other visible representation ;

(c) "judicial proceedings" includes any proceeding in the course of which evidence is or may be legally taken on oath ;

(d) "matrimonial matter" means any proceedings for dissolution or nullity of marriage, or for judicial separation, or for restitution of conjugal rights ;

(e) "newspaper" means any periodical work containing public news or comments on public news.

3. No person shall print or publish or cause to be printed or published,—

Restrictions
on publica-
tion of
reports of
judicial
proceedings.

(a) in respect of any judicial proceedings, any indecent or obscene matter, or any indecent or obscene details whether medical, surgical or physiological, which would be calculated to injure the public morals ;

(b) in respect of any matrimonial matter or any judicial proceedings in connection with the offence under section 497 of the Indian Penal Code, any particulars other than the following, that is to say :—

(1) the names of the parties ; and

(2) the order of the Court ;

XLV
of
1880.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, p. 3.

(c) in respect of any judicial proceedings in connection with an offence under section 354, 366, 366A, 366B, 376, 377, or 498 of the Indian Penal Code, any particulars other than the following, that is to say :—

of
1890.

(1) the name, occupation and address of the accused ; and

(2) the order of the Court, without disclosing the identity of, or giving any particulars calculated to lead to the identification of, any person who may have been a victim of the offence :

Provided that nothing in this section shall apply to the printing of any pleading, transcript of evidence or other document for use in connection with any judicial proceedings or the communication thereof to persons concerned in the proceedings or to the printing or publishing of any notice or report in pursuance of the directions of the Court or to the printing or publishing of any matter in a separate volume or part of any *bona fide* series of law reports or in any publication of a technical character *bona fide* intended for circulation among members of the legal or medical professions.

Penalty.

4. Whoever contravenes the provisions of this Act shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both ; and any newspaper, book or document (including all copies thereof) in respect of which an offence has been committed shall also be liable to be forfeited to the State Government.

Jurisdiction
to try
offences.

5. No Court inferior to that of the Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act.

Previous
sanction.

6. No Court shall take cognisance of an offence under this Act except with the previous sanction of the State Government.

Forfeiture
and seizure
of newspaper,
etc., under
section 99A
of Criminal
Procedure
Code.

7. The provisions of section 99A of the Code of Criminal Procedure, 1898, ^{or} of 1898, are hereby amended as specified in the Schedule to this Act and the provisions of the said section as amended shall, notwithstanding anything contained in section 4, apply in respect of any newspaper, book or document, which appears to the State Government to contain any matter in contravention of the provisions of this Act.

Operation
of other
laws.

8. Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other law for any act which is an offence under this Act,

SCHEDULE.

(See section 7.)

In section 99A of the Code of Criminal Procedure, 1898, after the words “ appears ^{or} to the State Government to contain ” the words “ in respect of any judicial ^{1898.} proceedings any indecent or obscene matter or any indecent or obscene details, whether medical, surgical or physiological, which would be calculated to injure the public morals, or ” shall be inserted.

THE BOMBAY BHIL NAIK INAMS ABOLITION ACT, 1955.

CONTENTS.**PREAMBLE.****SECTIONS.**

1. Short title, extent and commencement.
2. Definitions.
3. Act not to apply to certain inams.
4. Abolition of Bhil Naik Inams and resumption of inam villages and lands.
5. Occupancy rights in respect of lands in inam villages and inam lands.
6. Uncultivated and waste lands and all property of the nature specified in section 37 of the Code vests in Government.
7. Method of compensation for abolition, etc. of other rights in lands.
8. Court-fees.
9. Finality of award of Collector and decision of Revenue Tribunal.
10. Inquiries and proceedings to be judicial proceedings.
11. Amount of compensation to be payable in transferable lands.
12. Provisions of Bom. LXVII of 1948 to govern relations of landlord and tenants.
13. Rules.
14. Saving.

BOMBAY ACT No. XXI OF 1955.¹

[THE BOMBAY BHIL NAIK INAMS ABOLITION ACT, 1955.]

[3rd June 1955]

An Act to abolish Bhil Naik Inams prevailing in the districts of West Khandesh and Nasik in the State of Bombay.

WHEREAS it is necessary and expedient in the public interest to abolish the Bhil Naik Inams held for service useful to Government on political considerations in the districts of West Khandesh and Nasik in the State of Bombay and to provide for other incidental and consequential matters hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Bhil Naik Inams Abolition Act, 1955. Short title,
extent and
commence-
ment.

(2) It extends to the districts of West Khandesh and Nasik in the State of Bombay.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

2. (1) In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(i) “appointed date” means the date on which this Act comes into force ;

(ii) “Bhil Naik Inam” means the grant of a village or land for service useful to Government on political considerations in accordance with the terms and conditions specified in Government Resolution in the Revenue Department, No. 5763, dated the 19th August 1902 and entered in the alienation register kept under section 53 of the Code as “Class VI—Village servants useful to Government” and includes the land granted in Marod village of Navapur taluka under Government order in the Revenue Department No. 288, dated the 11th January 1919 ;

(iii) “Code” means the Bombay Land Revenue Code, 1879 ;

(iv) “Collector” includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;

(v) “inamdar” means a holder of a Bhil Naik Inam ;

(vi) “inam village” or “inam land” means a village or land, as the case may be, held by an inamdar under a Bhil Naik Inam ;

(vii) “prescribed” means prescribed by rules made under this Act.

(2) The other words and expressions used but not defined in this Act shall have the meanings assigned to them in the Code.

3. Nothing in this Act shall apply to—

(i) devastan inams or inams held for religious or charitable institutions ; and Act not to
apply to
certain
inams.

(ii) inams other than Bhil Naik Inams held for service useful to Government in an inam village or inam land.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, pp. 28-29.

Abolition of Bhil Naik Inams and resumption of inam villages and lands.

4. Notwithstanding any settlement, grant, sanad or order or any law for the time being in force, with effect from and on the appointed date—

(1) all Bhil Naik Inams shall be deemed to have been abolished, and

(2) any liability to render service and all other incidents appertaining to such inams are hereby extinguished.

(3) All inam villages and inam lands are hereby resumed and shall be deemed to be subject to the payment of land revenue under the provisions of the Code and the rules made thereunder and the provisions of the Code and the rules relating to unalienated lands shall apply to such lands.

Occupancy rights in respect of lands in inam villages and inam lands.

5. (1) In an inam village and inam land—

(i) in the case of land which is not uncultivated on the appointed date and is in the actual possession of an inamdar or in the possession of a person holding through or from him other than an inferior holder referred to in clause (b) below, such inamdar, and

(ii) in the case of land, which is not uncultivated on the appointed date and is in the possession of an inferior holder on payment of annual assessment only to the inamdar, such inferior holder,

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land and shall be entitled to all the rights and shall be liable to all obligations in respect of such land as an occupant under the Code or the rules made thereunder or any other law for the time being in force :

Provided that the inamdar, in respect of the land which is in the possession of a person holding through or from him and the inferior holder in respect of the land in his possession shall be entitled to the rights of an occupant on payment to the State Government of such occupancy price as may be fixed by the State Government by special or general order but not exceeding an amount equal to six times the amount of the full assessment of such land within the prescribed period.

(2) If the inamdar or the inferior holder fails to pay the occupancy price within the prescribed period he shall be deemed to be unauthorizedly occupying the land and shall be liable to be summarily ejected in accordance with the provisions of the Code.

(3) The occupancy of the land granted under this section shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may, by general or special order, determine.

Explanation.—For the purposes of this section and section 6, land shall be deemed to be uncultivated if it has not been cultivated for a continuous period of three years immediately before the appointed date.

Uncultivated and waste lands and all property of the nature specified in section 37 of the Code vests in Government.

6. For the removal of doubt it is hereby declared that all uncultivated and waste lands, whether assessed or unassessed, in an inam village or inam land and all other kinds of property referred to in section 37 of the Code situate in an inam village or inam land, which are not the property of the individuals or of any aggregate of persons legally capable of holding property and except in so far as any rights of such persons may be established in or over the same and except as may be otherwise provided in any law for the time being in force, are, together with all

rights in and over the same or appertaining thereto, the property of the State Government and it shall be lawful to dispose of or set apart the same by the authority and for the purpose provided in section 37 or 38 of the Code, as the case may be.

7. (1) If any person is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to, or interest in, property such person may apply to the Collector for compensation.

Method of compensation for abolition, etc. of other rights in land.

I of
1894.

(2) An application under sub-section (1) shall be made to the Collector in a prescribed form within six months from the appointed date. The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining the compensation in the manner and according to the method provided for in sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894.

(3) Nothing in this section shall entitle any person to compensation on the ground that any land, which was wholly or partially exempt from the payment of land revenue, has been under the provisions of this Act made subject to the payment of full assessment in accordance with the provisions of the Code.

Bom.
XII
of
1939.

(4) Any person aggrieved by the award of the Collector made under sub-section (2) may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, within 60 days from the date of the award.

V of
1908.

(5) In deciding appeals under sub-section (4), the Bombay Revenue Tribunal shall exercise all the powers which a Court has and follow the same procedure which the Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908.

IX of
1908.

(6) In computing the period for filing appeals the provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the appeals made under this section.

VII of
1870.

8. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

Court-fees.

9. The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any court.

Finality of award of Collector and decision of Revenue Tribunal.

XLV
of
1866.

10. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

Inquiries and proceedings to be judicial proceedings.

11. The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

Amount of compensation to be payable in transferable bonds.

Provisions of Bom. LXVII of 1948 to govern relations of landlord and tenants. 12. Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, Bom. LXVII of 1948, to any inam village or inam land or the mutual rights and obligations of a holder of and his tenants, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act. 1948.

Rules.

13. The State Government may, subject to the condition of previous publication, make rules for the purpose of carrying out the provisions of this Act. Such rules shall when finally made be published in the *Official Gazette*.

Saving.

14. Nothing in this Act shall be deemed to affect,—

- (a) any obligation or liability already incurred before the appointed date ;
 - or
 - (b) any proceeding or remedy in respect of such obligation or liability ;
- and any such proceeding or remedy may be instituted, continued or enforced as if this Act had not been passed.

**THE BOMBAY MERGED TERRITORIES MISCELLANEOUS ALIENATIONS
ABOLITION ACT, 1955.**

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SCHEDULE.

BOMBAY ACT No. XXII OF 1955.¹

[THE BOMBAY MERGED TERRITORIES MISCELLANEOUS ALIENATIONS ABOLITION ACT, 1955.]

[3rd June 1955]

An Act to abolish miscellaneous alienations of various kinds prevailing in the merged territories in the State of Bombay.

WHEREAS certain kinds of alienations prevailing in the merged territories and merged areas have been abolished ;

AND WHEREAS it is expedient in the public interest to abolish the remaining alienations of miscellaneous character prevailing in the merged territories and to provide for matters consequential and incidental thereto ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

CHAPTER I.

Preliminary.

1. (1) This Act may be called the Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955. Short title,
extent and
commence-
ment.

(2) It extends to the merged territories in the State of Bombay.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

2. (1) In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(a) "alienation" means a grant or recognition as a grant,—

(I) of a village, portion of a village or land to any person, whether such grant be of soil with or without exemption from payment of land revenue or of assignment of the whole or a share of land revenue thereof,

(II) of total or partial exemption from payment of land revenue to a person in respect of any land held by him, or

(III) of cash allowance or allowance in kind to any person by whatever name called,

by the ruling authority for the time being before merger or by the State Government after merger, and includes,—

(a) any total or partial exemption from payment of land revenue reserved to himself or enjoyed by a ruler of a former Indian State in respect of any land held by him in his own State before merger as his private property, and

(b) Wanta and Giras rights in land or to cash allowances regulated by the rules published under Huzur Cutcherry Notification No. T-3/80 of 1946-47, dated the 24th March 1947 (hereinafter referred to as the Baroda Giras Rules) ;

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, p. 350.

(ii) "alienated land" means a village or portion of a village or land, as the case may be, held by an alienee under an alienation ;

(iii) "alienee" means the holder of an alienation and includes his co-sharer recognized as such for the purpose of such alienation ;

(iv) "appointed date" means the date on which this Act comes into force ;

(v) "Barkhali land" in relation to a Wanta or Giras means land held as Jiwai, Jat Dharmadaya, Devasthan, Pirasthan, Vechania, Gharania, Pasaita Chakariat, Dharmadaya Chakariat, Jat Pasaita, Kanyadan or Bathamania and treated as permanent alienations or settled under the Baroda Giras Rules ;

(vi) "Code" means the Bombay Land Revenue Code, 1879 ;

(vii) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;

Bom.
V of
1879.

(viii) "Community service inam" means an alienation held for the purpose of performing service useful to the village community and includes an alienation held for such service even where such service has ceased to be demanded ;

(ix) "Commutation settlement" means a settlement made or confirmed under the law applicable to a watan relieving the holder, his heirs and successors of the liability to perform the services appertaining to the watan ;

(x) "Girassia" means the holder of a Wanta or Giras ;

(xi) "inferior holder" means a person who is in possession of an alienated land not on payment of rent but on payment of assessment in cash or kind to the alienee and includes a person holding such land through or from such person ;

(xii) "merger" means the cession by the Ruler of a former Indian State of full and exclusive jurisdiction and powers for and in relation to the governance of such State and the transfer of the administration of such State to the State of Bombay under section 290A of the Government of India Act, 1935 ;

26 Geo.
5 Ch 2.

(xiii) "permanent tenant" in relation to a Wanta or Giras means the holder of a Wanta or Giras land or Jiwai land who has a permanent tenancy in such land ;

(xiv) "prescribed" means prescribed by rules made under this Act ;

(xv) "Wanta" or "Giras" means land held as Wanta or Giras by a Girassia in accordance with the provisions of the Baroda Giras Rules ;

(xvi) "watan" means an alienation held as watan appertaining to the office of a village accountant commonly known as Kulkarni or known by any other similar name or as watan appertaining to the office of a District (paragana) Officer commonly known as Sardeshmukh, Deshmukh, Deshpande or Desai or known by any other similar name, whether any commutation settlement in respect of such watan has or has not been effected.

(2) The other words or expressions used but not defined in this Act shall have the meanings assigned to them in the Code.

(3) References in this Act to the incidents of alienations shall, notwithstanding the abolition of the alienations by this Act, be construed as references to the incidents as they were in force immediately before the appointed date.

(4) If any question arises—

- (i) whether any land is an alienation,
- (ii) whether any alienation is a grant of soil or an assignment of land revenue or both or is a grant of total or partial exemption from payment of land revenue,
- (iii) whether any alienation is a community service inam or watan,
- (iv) whether a commutation settlement in respect of any watan has or has not been effected,
- (v) whether any land held under an alienation is or is not alienable without the permission of a competent authority,
- (vi) whether any alienation is hereditary or for the life-time of the alienee, or
- (vii) whether any person is an inferior holder or a permanent tenant,

the State Government shall decide the question and such decision shall be final :

Provided that the State Government may authorize any officer to decide questions arising under any of the clauses (i), (ii), (iii), (iv), (v), (vi) and (vii) and subject to an appeal to the State Government, the decision of such officer shall be final.

3. (1) Nothing in this Act shall apply to—

- (a) Devasthan inams or inams held by religious or charitable institutions ;
- (b) alienations held for service useful to Government other than watan ;
- (c) any pension granted to an ex-servant of a former Indian State in consideration of the service rendered by him to such state ;
- (d) revenue-free sites granted by the ruling authority for the time being before merger for the construction of schools, colleges, hospitals, dispensaries, religious or charitable institutions or other public works from which no profit is intended to be derived ;
- (e) the sums payable under the rules for the settlement of the saranjams of the Feudatory Jagirdars of Kolhapur published in Government Notification in the Political and Services Department No. FCK. 1053, dated the 19th April 1954 ;
- (f) the land tenure to which the provisions of any of the enactments specified in the Schedule apply ;

Act not to
apply to
certain kinds
of alienations.

(2) Where an alienation is held jointly for service appertaining to a watan and for any other service useful to Government then for the purposes of this Act, the State Government shall, after holding such inquiry as it may think fit, decide what portion of such alienation shall be deemed to be an alienation held for service appertaining to a watan and what portion thereof shall be deemed to be an alienation held for any other service useful to Government.

CHAPTER II.

Abolition of alienations and conferment of occupancy rights.

4. Notwithstanding anything contained in any usage, settlement, grant, agreement, sanad, order, rule, notification or Vat Hukum or any decree or order of a Court or any law for the time being applicable to any alienation in the merged territories, with effect from and on the appointed date—

Abolition of
alienations
and rights
and incidents
in respect
thereof.

- (i) all alienations shall be deemed to have been abolished ;

(ii) save as expressly provided by or under this Act all rights legally subsisting on the said date in respect of such alienations and all other incidents of such alienations shall be deemed to have been extinguished.

Liability of alienated lands to payment of land revenue.

5. Subject to the other provisions of this Act all alienated lands are and shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder and the provisions of the Code and rules relating to unalienated lands shall apply to such lands.

Occupancy rights in respect of alienated lands held under community service inam.

6. In the case of an alienated land held under a community service inam—

(a) if such land is in the actual possession of the alienee or in possession of a person holding through or from him other than an inferior holder, such alienee, and

(b) if such land is in the possession of an inferior holder, such inferior holder,

shall be primarily liable to the State Government for the payment of land revenue due in respect of the land held by him and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or the rules made thereunder :

Provided that if under the terms of the alienation such land is resumable for non-performance of service, the alienee or inferior holder, as the case may be, shall be entitled to the rights of an occupant in respect of such land on payment to the State Government of the occupancy price equal to six times the amount of the full assessment of such land within the prescribed period :

Provided further that if such land under the terms of alienation was not alienable except with the permission of a competent authority, such land shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

Occupancy rights in respect of lands held under watan.

7. All land held under a watan is hereby resumed and shall be regranted to the holder in accordance with the following provisions, namely :—

(1) in the case of a watan, if the commutation settlement permits the transfer of the land appertaining to such watan, the land shall be regranted to the holder without payment of any occupancy price ;

(2) in the case of a watan, to which clause (1) does not apply, the land appertaining to the watan shall be regranted to the holder on payment of the occupancy price equal to twelve times the amount of the full assessment of such land within the prescribed period :

Provided that in respect of the land held under a watan which has not been assigned towards the emoluments of the person performing the service appertaining to the watan, occupancy price equal to six times the amount of the full assessment of such land shall be paid by the holder within the aforesaid period for its grant ;

(3) the occupancy of the land regranted under clause (2) shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

Explanation.—For the purpose of this section, the expression “holder” shall include—

- (1) an alienee holding land under a watan, and
- (2) in the case of a watan the commutation settlement in respect of which permits the transfer of the land appertaining to the watan, a person in whom the ownership of such land for the time being vests.

8. (1) In a Wanta or Giras,—

What persons
to be
occupants
in Wanta or
Giras.

(i) in the case of land other than Barkhali land—

(a) if such land is in the actual possession of the Girassia or in the possession of a person other than a permanent tenant, holding through or from the Girassia, such Girassia, and

(b) if such land is in the possession of a permanent tenant, such permanent tenant,

(ii) in the case of Barkhali land, held as Jiwai land,—

(a) if such land is in the actual possession of the holder thereof (hereinafter referred to as the Jiwaidar) or in the possession of a person other than a permanent tenant holding through or from the Jiwaidar, such Jiwaidar, and

(b) if such land is in the possession of a permanent tenant, such permanent tenant, and

(iii) in the case of any other Barkhali land other than Devasthan and Pirasthan land or land held for service useful to Government, the holder of such land,

shall be primarily liable to the State Government for the payment of land revenue due in respect of the land held by him and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or the rules made thereunder :

Provided that in the case of the land referred to in sub-clause (b) of clause (i) and sub-clause (b) of clause (ii), the permanent tenant shall be entitled to the rights of an occupant on payment in the prescribed manner to the Girassia or Jiwaidar, as the case may be, of the occupancy price equivalent to six times the amount of the full assessment of such land :

Provided further that in the case of Barkhali land referred to in clause (iii), if such land was held as Dharmadaya Chakariat or Pasaita Chakariat and was not a permanent alienation within the meaning of the Baroda Giras Rules, the holder of such land shall be entitled to the rights of an occupant on payment to the State Government of the occupancy price equivalent to six times the amount of the full assessment of such land.

(2) The occupancy of land conferred on the holder of a Dharmadaya Chakariat or Pasaita Chakariat land which was not a permanent alienation within the meaning of the Baroda Giras Rules shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

Occupancy rights in respect of alienated land to which section 6, 7 or 8 does not apply.

9. In the case of an alienated land to which the provisions of section 6, 7 or 8 do not apply,

(a) if such land is in the actual possession of the alienee or is in the possession of a person holding through or from him other than an inferior holder, such alienee, and

(b) if such land is in the possession of an inferior holder, such inferior holder,

shall be primarily liable to the State Government for the payment of land revenue due in respect of the land held by him and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or the rules made thereunder :

Provided that if in respect of an alienated land the alienation consists of the grant of the soil with or without exemption from payment of land revenue, the alienee or the inferior holder, as the case may be, shall be entitled to the rights of an occupant in respect of such land on payment to the State Government of the occupancy price equal to six times the amount of the full assessment of such land within the prescribed period :

Provided further that if under the terms of the alienation such land was not alienable except with the permission of a competent authority, the occupancy of the land shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

Effect of failure to pay occupancy price.

10. (1) If any person, who is liable to pay to the State Government the occupancy price in respect of any land under section 6, 7, 8 or 9, fails to pay the same within the prescribed period, he shall be deemed to be unauthorizedly occupying the land and shall be liable to be summarily ejected in accordance with the provisions of the Code.

(2) If any person, who is liable to pay to the Girassia or Jiwaider, as the case may be, the occupancy price in respect of any land under section 8, fails to pay the same within the prescribed period, it shall be recoverable as an arrear of land revenue and the amount so recovered shall be paid to the Girassia or Jiwaider, as the case may be.

All public roads, etc., situate in alienated land to vest in Government.

11. All public roads, lanes and paths, the bridges, ditches, dikes and fences, on, or beside, the same, the bed of the sea and of harbours, creeks below high water mark, and of rivers, streams, nallas, lakes, wells and tanks, and all canals, and water courses, and all standing and flowing water, and all unbuilt village site lands, all waste lands and all uncultivated lands (excluding lands used for building or other non-agricultural purposes) which are situate within the limits of any alienated land shall, except in so far as any rights of any person other than the alienee may be established in or over the same and except as may otherwise be provided by any law for the time being in force, vest in, and shall be deemed to be with all rights in or over the same or appertaining thereto the property of, the State Government and all rights held by an alienee in such property shall be deemed to have been extinguished and it shall be lawful for the Collector, subject to the general or special orders of the State Government, to dispose them of as he deems fit, subject always to the rights of way and other rights of the public or of individuals legally subsisting.

Explanation.—For the purposes of this section, land shall be deemed to be uncultivated if it has not been cultivated for a continuous period of three years immediately before the appointed date.

XVI of 1927. 12. The rights to trees specially reserved under the Indian Forest Act, 1927, or Rights to any other law for the time being in force, except those the ownership of which has been transferred by the State Government under any contract, grant or law for the time being in force shall vest in the State Government and nothing in this Act shall in any way affect the rights of the State Government to apply the provisions of the Indian Forest Act, 1927, as in force in the State of Bombay to forests in an alienated land.

13. Nothing in this Act or any other law for the time being in force shall be deemed to affect the rights of any alienee subsisting on the appointed date to mines or mineral products in alienated land granted or recognised under any contract, grant or law for the time being in force or by custom or usage.

CHAPTER III.

Compensation and Award thereof.

14. (1) In the case of an alienation consisting of assignment of the whole or part of the land revenue of any land or village—

(i) if the alienation was continuable as hereditary without being subjected to any deduction or cut at the time of each succession, a sum equal to seven times the amount of such land revenue,

(ii) if the alienation was continuable as hereditary but subject to a deduction or cut at the time of each succession, a sum equal to five times the amount of such land revenue, and

(iii) if the alienation was continuable for the life time of the alienee, a sum equal to three times the amount of such land revenue,

shall be paid to the alienee as compensation for the abolition of the alienation.

(2) For the purpose of sub-section (1), the amount of land revenue shall be the amount received or due to the alienee on account of assignment of land revenue for the year immediately preceding the appointed date.

15. (1) In the case of an alienation consisting of a cash allowance or allowance in kind, the alienee shall be paid—

(i) seven times the amount of the cash allowance or of the value of the allowance in kind, as the case may be, if the alienation was hereditary without being subjected to deduction or cut at the time of each succession;

(ii) five times the amount of the cash allowance or the value of the allowance in kind, as the case may be, if the alienation was hereditary but subject to a deduction or cut at the time of each succession; or

(iii) three times the amount of cash allowance or the value of the allowance in kind, as the case may be, if the alienation was continuable for the life-time of the alienee;

Provided that if under the terms of a grant any such cash allowance or allowance in kind was received by a widow for the purpose of her maintenance, it shall be continued to such widow for her life-time.

(2) For the purpose of sub-section (1), the amount of cash allowance shall be the amount paid or payable to the alienee for the year immediately preceding the appointed date and the value of the allowance in kind shall be the value of the allowance in kind paid or payable to the alienee for the year immediately preceding the appointed date, such value being determined in the prescribed manner.

Compensation in respect of property referred to in section 11.

16. Any alienee having any right or interest in any property referred to in section 11 shall, if he proves to the satisfaction of the Collector that he had any such right or interest, be entitled to compensation in the following manner, namely:—

(i) if the property in question is waste or uncultivated but is cultivable land, the amount of compensation shall not exceed three times the assessment of the land:

Provided that if the land has not been assessed, the amount of compensation shall not exceed such amount of assessment as would be leviable in the same village on the same extent of similar land used for the same purpose;

(ii) if the property in question is land over which the public has been enjoying or has acquired a right of way or any individual has any right of easement, the amount of compensation shall not exceed the amount of the annual assessment leviable in the village for uncultivated land in accordance with the rules made under the Code or if such rules do not provide for the levy of such assessment, such amount as in the opinion of the Collector shall be the market value of the right or interest held by the claimant;

(iii) if there are any trees or structures on the land, the amount of compensation shall be the market value of such trees or structures, as the case may be.

Explanation.—For the purposes of this section, the “market value” shall mean the value as estimated in accordance with the provisions of sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894, in so far as the said provisions may be applicable. I of 1894.

Method of awarding compensation to alienee.

17. (1) Any alienee entitled to compensation under section 14, 15 or 16 shall within the prescribed period apply in writing to the Collector for determining the amount of compensation payable to him under the said section.

(2) On receipt of an application under sub-section (1), the Collector shall after making formal enquiry in the manner provided by the Code, make an award determining the amount of compensation. Where there are co-sharers claiming compensation, the Collector shall by his award apportion the compensation between the co-sharers.

Method of awarding compensation for abolition, etc., of rights of other person in property.

18. (1) If any person is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to, or interest in, property and if compensation for such abolition, extinguishment or modification has not been provided for in the provisions of this Act, such person may apply to the Collector for compensation.

I of
1894. (2) The application under sub-section (1) shall be made to the Collector in the prescribed form within the prescribed period. The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining the compensation in the manner and according to the method provided for in sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894.

(3) Nothing in this section shall entitle any person to compensation on the ground that any alienated land which was wholly or partially exempt from payment of land revenue has been under the provisions of this Act made subject to the payment of full assessment in accordance with the provisions of the Code.

I of
1894. 19. Every award made under section 17 or 18 shall be in the form prescribed in section 26 of the Land Acquisition Act, 1894, and the provisions of the said Act shall, so far as may be, apply to the making of such award. Provisions of Land Acquisition Act, 1894, applicable to award.

Bom.
XII
of
1939. 20. An appeal shall lie against an award of the Collector to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, notwithstanding anything contained in the said Act. Appeal against Collector's award.

21. (1) The Bombay Revenue Tribunal shall, after giving notice to the appellant and the State Government, decide the appeal and record its decision. Procedure before Revenue Tribunal.

(2) In deciding an appeal under this Act the Bombay Revenue Tribunal shall exercise all the powers which a Court has and shall follow the same procedure which a Court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908.

V of
1908. 22. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. Limitation.
IX of
1908. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal.

VII of
1870. 23. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed. Court-fees.

24. The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court. Finality of award and decision of Revenue Tribunal.

XLV
of
1860. 25. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code. Inquiries and Proceedings to be judicial proceedings.

26. The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed. Amount of compensation to be payable in transferable bonds.

CHAPTER IV.

Miscellaneous.

Alienances to deliver records to authorized officers.

27. (1) Whenever an officer authorized by the State Government in this behalf so directs, an alienee shall deliver to him or such other officer as may be specified in the direction, the records relating to the alienated land maintained by the alienee.

(2) If the alienee fails without reasonable cause to deliver any such records, he shall, on conviction, be punished with fine which may extend to two hundred rupees. In the case of a continuing failure to deliver any such records the alienee shall be punished with an additional fine which may extend to twenty-five rupees for every day during which such failure continues after conviction for the first such failure.

Provisions of Bom. LXVII of 1948 to govern the relations of landlord and tenants.

28. Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, Bom. LXVII of 1948, to any alienated land or the mutual rights and obligations of a landlord and his tenants save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act.

Rules.

29. The State Government may, subject to the condition of previous publication, make rules for the purposes of carrying out the provisions of this Act. Such rules shall, when finally made, be published in the *Official Gazette*.

Saving.

30. Nothing contained in this Act shall affect,—

(1) any obligation or liability already incurred under an incident of an alienation before the date on which this Act comes into force, or

(2) any proceeding or remedy in respect of such obligation or liability, and any such proceeding or remedy may be instituted, continued or enforced as if this Act had not been passed.

SCHEDULE.

(See section 3.)

1. The Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953 (Bom. XLIII of 1953).

2. The Bombay Kauli and Katuban Tenures (Abolition) Act, 1953 (Bom. XLIV of 1953).

3. The Bombay Merged Territories (Baroda Mulgiras Tenure Abolition) Act, 1953 (Bom. XLV of 1953).

4. The Bombay Merged Territories (Baroda Watan Abolition) Act, 1953 (Bom. XLVI of 1953).

5. The Bombay Merged Territories Matadari Tenure Abolition Act, 1953 (Bom. XLVIII of 1953).

6. The Bombay Merged Territories (Janjira and Bhor) Khoti Tenure Abolition Act, 1953 (Bom. LXXI of 1953).

7. The Bombay (Okhamandal Salami Tenure Abolition) Act, 1953 (Bom. I of 1954).

8. The Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953 (Bom. XXXIX of 1954).

THE INDIAN FOREST (BOMBAY AMENDMENT) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 2 of Act XVI of 1927.
3. Amendment of section 28 of Act XVI of 1927.
4. Amendment of section 35 of Act XVI of 1927.
5. Insertion of new sections 36-A, 36-B and 36-C in Act XVI of 1927.
6. Insertion of new section 80-A in Act XVI of 1927.

BOMBAY ACT No. XXIV OF 1955.¹

[THE INDIAN FOREST (BOMBAY AMENDMENT) ACT, 1955.]

[22nd June 1955]

An Act further to amend the Indian Forest Act, 1927, in its application to the State of Bombay.

XVI of 1927. WHEREAS it is expedient further to amend the Indian Forest Act, 1927, in its application to the State of Bombay, for the purposes hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Indian Forest (Bombay Amendment) Act, Short title. 1955.

XVI of 1927. 2. In section 2 of the Indian Forest Act, 1927 (hereinafter referred to as "the said Act"), in sub-clause (a) of clause (4), after the word "kuth" the words " , apta and temburni leaves " shall be inserted. Amendment of section 2 of Act XVI of 1927.

3. In section 28 of the said Act,—

Bom. VI of 1933.
Bom. VII of 1926.

(1) in sub-section (1), after the word "village-community" the words and figures " , village panchayat established under the Bombay Village Panchayats Act, 1933, or co-operative society registered or deemed to be registered under the Bombay Co-operative Societies Act, 1925," shall be inserted; Amendment of section 28 of Act XVI of 1927.

(2) in sub-section (2), after the word "community" the words " , panchayat or society " shall be inserted.

4. In section 35 of the said Act,—

(1) in sub-section (3), after the words "until after the issue" the words "by an officer authorised by the State Government in that behalf" shall be inserted; Amendment of section 35 of Act XVI of 1927.

(2) after sub-section (3), the following sub-sections shall be added, namely :—

"(4) A notice to show cause why a notification under sub-section (1) should not be made, may require that for any period not exceeding six months, or till the date of the making of a notification, whichever is earlier, the owner of such forest and all persons who are entitled or permitted to do therein any or all of the things specified in clause (i) of sub-section (1), whether by reason of any right, title or interest or under any licence or contract or otherwise, shall not, after the date of the notice and for the period or until the date aforesaid, as the case may be, do any or all the things specified in clause (i) of sub-section (1), to the extent specified in the notice.

V of 1908.

(5) A notice issued under sub-section (3) shall be served on the owner of such forest in the manner provided in the Code of Civil Procedure, 1908, for the service of summons and shall also be published in the manner prescribed by rules.

(6) Any person contravening any requisition made under sub-section (4) in a notice to show cause why a notification under sub-section (1) should not be made shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both."

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, pp. 33-39.

Insertion of new sections 36-A, 36-B and 36-C in Act XVI of 1927.

5. After section 36 of the said Act, the following new sections shall be inserted, namely :—

Manner of serving notice and order under section 36.

“ 36-A. The notice referred to in sub-section (1) of section 36 and the order, if any, made placing a forest under the control of a Forest-officer shall be served on the owner of such forest in the manner provided in the Code of Civil Procedure, 1908, for the service of summons. V of 1908.

Period of control.

36-B. (1) The period of such control of any forest shall be for ten years from the date of the order aforesaid ; but such period may thereafter be extended for successive periods of not more than ten years each :

Provided that the period of such control shall not in the aggregate exceed 30 years from the date of the order.

(2) The Forest-officer, under whose control the forest is placed, shall, not later than six months before the expiry of any period referred to in sub-section (1), make a report regarding such control and shall state therein whether in his opinion, any period of control should be extended.

(3) After considering any such report and subject to sub-section (1), the State Government shall decide whether to extend any period of control or whether to terminate it in the manner provided in the next succeeding section.

(4) No period of control shall be extended unless the owner has been given reasonable opportunity of showing cause against such extension.

Termination of control.

36-C. (1) If the State Government decides to terminate any period of control of any forest, it shall, by order published in the *Official Gazette* and in such other manner as may be prescribed by rules, so declare ; and thereupon possession of the forest shall be given to the owner, or if the owner be dead, to any person entitled to such possession, together with any sum of money which may be standing to the credit of such owner.

(2) All acts done or purported to be done by the Forest-officer in respect of any forest placed under his control, during the period of such control or of any extension thereof, shall be binding on the owner of such forest or any person to whom possession of the forest has been delivered under this section.”

Insertion of new section 80-A in Act XVI of 1927.

6. After section 80 of the said Act, the following section shall be inserted, namely :—

Power of Government to apply provisions of this Act to certain lands of Government or local authority.

“ 80-A. The State Government may, by notification in the *Official Gazette*, declare that any of the provisions of this Act shall apply to all or any lands on the banks of canals or the sides of roads which are the property of the State Government or a local authority and thereupon such provisions shall apply to such lands accordingly.”

THE BOMBAY REPEALING AND AMENDING ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Repeal of certain enactments.
3. Amendment of certain enactments.

THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

BOMBAY ACT No. II OF 1955.¹

[THE BOMBAY REPEALING AND AMENDING ACT, 1955.]

[16th March 1955]

An Act to repeal certain enactment and to amend certain other enactments.

WHEREAS it is expedient to repeal certain enactment and to amend certain other enactments for the purposes hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Repealing and Amending Act, 1955. Short title.*
2. The enactment specified in the First Schedule is hereby repealed to the extent mentioned in the fourth column thereof. Repeal of certain enactment.
3. The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof. Amendment of certain enactments.

THE FIRST SCHEDULE.**REPEAL.**

(See section 2.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1912	VI	... The Bombay Medical Act, 1912.	Section 9A.

THE SECOND SCHEDULE.**AMENDMENTS.**

(See section 3.)

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1901	III	... The Bombay District Municipal Act, 1901.	In section 48, in sub-section (1), in clause (j) for the words "use or consumption" the words "consumption, use or sale" shall be substituted.
1908	XVI	... The Indian Registration Act, 1908, in its application to the State of Bombay.	In section 69, clause (gg) of sub-section (1) as inserted by the Indian Registration (Bombay Amendment) Act, 1930, shall be re-lettered as clause (ggg).
		Bom. XVII of 1930.	

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, pp. 33-35.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1912	VI	... The Bombay Medical Act, 1912.	(1) In section 2,— (i) in sub-section (3), after the words "The President" the words "and Vice-President" shall be inserted. (ii) in sub-section (4) for the words "the President and members" the words "the President and Vice-President and other members" shall be substituted. (2) In section 3, in sub-section (1) for the words "The President and members" the words "The President, Vice-President and other members" shall be substituted. (3) In section 4, after the words "in the absence of the President" the words "the Vice-President and in the absence of both" shall be inserted.
1925	XVIII	... The Bombay Municipal Boroughs Act, 1925.	In section 61, in clause (n) of sub-section (1) for the words "use or consumption" the words "consumption, use or sale" shall be substituted.
1938	XXVI	... The Bombay Medical Practitioners' Act, 1938.	In section 18A, to sub-section (1), the following proviso shall be added and shall be deemed always to have been added, namely:— "Provided that the renewal fee due on 31st day of December 1954 may be paid not later than the 31st day of March 1955."
1939	XXII	... The Bombay Agricultural Produce Markets Act, 1939.	After section 21A, the following new section shall be inserted, namely:— "21B. The Chairman, the Vice-Chairman, the members, the secretary and other officers and servants of a Market Committee shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code." of 1860.
1947	LXI	... The Bombay Primary Education Act, 1947.	(1) In section 2, after clause (10), the following clause shall be inserted, namely:— "(10A) 'Educational Inspector of the district' means the Educational Inspector appointed for a district or group of districts;" (2) In sections 23, 24 and 34 for the words "Educational Inspector of the division" the words "Educational Inspector of the district" shall be substituted. (3) In section 49, in sub-section (2) after the words "Educational Inspector" the words "of the district" shall be inserted.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1951	XLVIII ...	The Bombay Homoeopathic Act, 1951.	<p>In section 19, to sub-section (2), the following proviso shall be added, namely:—</p> <p>"Provided that in respect of persons eligible for registration under sub-clause (b) of clause (i) of sub-section (3) of section 18, such applications for registration may be made to the Registration Tribunal before the expiry of two months from the date of the coming into force of the Bombay Repealing and Amending Act, 1955."</p> <p>Bom. II of 1955.</p>
1953	XLIII ...	The Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953.	<p>(1) In the preamble, in sub-section (2) of section 1, and sub-clause (ii) of clause (b) of sub-section (1) of section 2 after the word "Malpur," the word "Ambaliara," and after the words "Deogadh Baria" the words "and of the former estate of Ramas", and</p> <p>(2) in the Second Schedule, in the heading after the word "Malpur," the word "Ambaliara," and after the word "States" the words "and of the former estate of Ramas",</p> <p>shall be inserted and shall be deemed always to have been inserted.</p>
1954	XIV ...	The Bombay Nurses, Midwives and Health Visitors Act, 1954.	<p>(1) In section 2, to clause (g), the words "and an auxiliary nurse and midwife" shall be added.</p> <p>(2) In section 29, in clause (c) of sub-section (2) after the words "and examinations" the brackets and words "(including those for auxiliary nurses and midwives)" shall be inserted</p>
1954	XLI ...	The Bombay Village Industries Act, 1954.	<p>For section 32, the following shall be substituted, namely:—</p> <p>"32. For the avoidance of doubt, it is hereby declared that nothing in this Act shall apply to or be deemed to apply to any industry, the control of which by the Union is declared by Parliament by law to be expedient in the public interest."</p>

THE BOMBAY (SUPPLEMENTARY) APPROPRIATION ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Issue of Rs. 4,49,04,184 out of the Consolidated Fund of the State of Bombay for the year 1954-55.
3. Appropriation.

SCHEDULE.

BOMBAY ACT No. III OF 1955.¹

[THE BOMBAY (SUPPLEMENTARY) APPROPRIATION ACT, 1955.]

[16th March 1955]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1955.

WHEREAS by virtue of Article 204 of the Constitution of India, read with Article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1955, and for the purpose of authorising payment of the said sums; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Bombay (Supplementary) Appropriation Act, 1955. Short title.

2. From and out of the Consolidated Fund of the State of Bombay, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rupees 4,49,04,184 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1955, in respect of the services and purposes specified in column 2 of the Schedule.

Issue of Rs.
4,49,04,184
out of the
Consolidated
Fund of the
State of
Bombay for
the year
1954-55.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1955.

Appropriation.

SCHEDULE.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
1	Land Revenue ..	7—Land Revenue ..	90	37,754	37,844
2	State Excise ..	8—State Excise ..	96,210	4,099	1,00,309
3	Forest ..	10—Forest ..	20	2,742	2,762
4	Registration ..	11—Registration ..	60,000	59	60,059

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, p. 69.

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Ra.	Ra.	Ra.
5	Charges on account of Motor Vehicles Acts.	12—Charges on account of Motor Vehicles Acts.	68,000	49,000	1,17,000
6	Other Taxes and Duties.	13—Other Taxes and Duties.	3,24,000	....	3,24,000
7	Irrigation (including working expenses).	XVII— <i>Deduct</i> —Working expenses, 18, Other revenue expenditure financed from ordinary revenues and 19, Construction of Irrigation, Navigation, Embankment and Drainage Works.	68,01,680	....	68,01,680
8	General Administration.	25—General Administration.	230	....	230
9	Administration of Justice.	27—Administration of Justice.	150	30	180
10	Police ..	29—Police ..	150	1,640	1,790
11	Ports and Pilotage ..	30—Ports and Pilotage.	30	....	30
12	Scientific Departments.	36—Scientific Departments.	1,74,381	....	1,74,381
13	Education ..	37—Education ..	13,49,730	....	13,49,730
14	Medical ..	38—Medical ..	120	....	120
15	Public Health ..	39—Public Health ..	70	....	70
16	Agriculture ..	40—Agriculture ..	19,89,315	....	19,89,315
17	Veterinary ..	41—Veterinary ..	3,030	....	3,030
18	Co-operation ..	42—Co-operation ..	20	1,044	1,064
19	Industries ..	43—Industries ..	70	....	70
20	Labour ..	47—Miscellaneous Departments (Labour).	10	....	10

SCHEDULE—contd.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding .		
			Voted by the Legislative Assembly.	Charged on the Consoli- dated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
21	Miscellaneous Depart- ments (except Labour).	47—Miscellaneous Departments (except Labour).	56,96,070	104	56,96,174
22	Civil Works ..	50—Civil Works ..	280	30,010	30,290
23	Bombay Develop- ment Scheme.	51—Bombay Deve- lopment Scheme.	10	19	29
24	Multipurpose River Schemes.	51-B—Other Revenue Expenditure connec- ted with Multipur- pose River Schemes.	4,48,500	....	4,48,500
25	Electricity Schemes.	XLI—Receipts from Electricity Schemes Deduct Working expenses.	10	....	10
26	Other Revenue Expenditure connec- ted with Electricity Schemes.	52-A—Other Reve- nue Expenditure connected with Electricity Schemes.	10	....	10
27	Electricity Schemes.	53—Capital Outlay on Electricity Schemes.	10	....	10
28	Famine ..	54—Famine ..	....	1,25,01,198	1,25,01,198
29	Territorial and Political Pensions.	54-A—Territorial and Political Pensions.	30,300	....	30,300
30	Superannuation Allowances and Pensions.	55—Superannuation Allowances and Pensions.	2,20,000	50,000	2,70,000
31	Stationery and Printing.	56—Stationery and Printing.	10	....	10
32	Miscellaneous ..	57—Miscellaneous ..	17,43,058	1,73,257	19,16,315
33	Extraordinary Charges.	63—Extraordinary Charges.	140	....	140
34	Community Develop- ment Projects.	63-B—Community Development Pro- jects.	10	....	10

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
35	Civil Defence ..	64-B—Civil Defence	2,611	....	2,611
		Total expenditure on Revenue Account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	1,90,08,325	1,28,50,956	3,18,59,281
36	Irrigation ..	68—Construction of Irrigation, etc. Works.	150	....	150
37	Public Health ..	70—Capital Outlay on Improvement of Public Health.	20	....	20
38	Agricultural Improvement and Research.	71—Capital Outlay on Schemes of Agricultural Improvement and Research.	5,20,850	....	5,20,850
39	Industrial Development.	72—Capital Outlay on Industrial Development.	60,00,000	....	60,00,000
40	Bombay Development Scheme.	80—Bombay Development Scheme.	29,473	....	29,473
41	Civil Works ..	81—Capital Account of Civil Works outside the Revenue Account.	50	....	50
42	Electricity Schemes.	81-A—Capital Outlay on Electricity Schemes.	10	....	10
43	Housing of Displaced Persons and Milk Schemes.	82—Capital Account of other State Works outside the Revenue Account	50	16,07,969	16,08,019
44	Payments to Retrenched Personnel.	85—Payments to Retrenched Personnel.	5,00,000	....	5,00,000

SCHEDULE—concl'd.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
45	Schemes of State Trading.	85-A—Capital Outlay on State Schemes of Government Trading.	30	....	30
		Total—Capital Expenditure outside the Revenue Account.	70,50,633	16,07,969	86,58,602
46	Permanent Debt ..	Permanent Debt ..	....	42,07,643	42,07,643
47	Floating Debt ..	Floating Debt ..	....	16,488	16,488
48	Loans and Advances bearing interest.	Loans and Advances by State Government.	50	1,62,120	1,62,170
		Total Disbursement under Debt Heads.	50	43,86,251	43,86,301
		Grand Total ..	2,60,59,008	1,88,45,176	4,49,04,184

THE BOMBAY APPROPRIATION ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Issue of Rs. 1,69,87,52,704 out of the Consolidated Fund of the State of Bombay for the year 1955-56.
3. Appropriation.

SCHEDULE

BOMBAY ACT No. IV OF 1955.¹

[THE BOMBAY APPROPRIATION ACT, 1955.]

[30th March 1955]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1956.

WHEREAS by virtue of article 204 of the Constitution of India it is necessary to provide for the passing of an Appropriation Act for the appropriation of sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1956 ; and for the purpose of authorising payment of the said sums ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Appropriation Act, 1955.

Short title.

2. From and out of the Consolidated Fund of the State of Bombay, there may be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rs. 1,69,87,52,704 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1956, in respect of the services and purposes specified in column 2 of the Schedule to this Act.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1956.

SCHEDULE.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
1	Land Revenue ..	7, Land Revenue ..	2,48,43,280	....	2,48,43,280
2	State Excise ..	8, State Excise ..	35,26,700	....	35,26,700
3	Stamps ..	9, Stamps ..	6,20,000	....	6,20,000

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, pp. 84-85.

SCHEDULE—contd.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
4	Forest	10, Forest ..	1,58,70,900	33,000	1,59,03,900
5	Registration ..	11, Registration ..	16,50,000	....	16,50,000
6	Charges on account of Motor Vehicles Acts.	12, Charges on account of Motor Vehicles Acts.	18,40,300	2,14,19,300	2,32,59,600
7	Other Taxes and Duties.	13, Other Taxes and Duties.	51,65,200	1,42,22,800	1,93,88,000
8	Interest on works for which Capital accounts are kept—Irrigation Works.	17, Interest on works for which Capital accounts are kept—Irrigation Works.	....	1,68,65,000	1,68,65,000
9	Irrigation (including working expenses).	XVII—Deduct— Working expenses, 18, Other revenue expenditure financed from ordinary revenues and 19, Construction of Irrigation, Navigation, Embankment and Drainage Works.	4,00,54,000	....	4,00,54,000
10	Interest on debt and other obligations.	22, Interest on debt and other obligations.	....	3,11,84,000	3,11,84,000
11	Appropriation for reduction or avoidance of debt.	23, Appropriation for reduction or avoidance of debt.	....	3,51,41,000	3,51,41,000
12	General Administration.	25, General Administration.	5,44,14,200	9,83,480	5,53,97,680
13	Administration of Justice.	27, Administration of Justice.	1,84,97,140	21,32,300	2,06,29,440
14	Jails and Convict Settlements.	28, Jails and Convict Settlements.	97,40,700	....	97,40,700
15	Police ..	29, Police ..	9,26,59,850	....	9,26,59,850
16	Ports and Pilotage.	30, Ports and Pilotage.	35,23,000	....	35,23,000

SCHEDULE—*contd.*

Serial No.	Services and purposes	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
17	Dangs District ..	33-A, Dangs District..	48,12,000	....	48,12,000
18	Scientific Departments.	36, Scientific Departments.	7,35,900	....	7,35,900
19	Education ..	37, Education ..	15,79,88,600	....	15,79,88,600
20	Medical ..	38, Medical ..	3,88,71,300	....	3,88,71,300
21	Public Health ..	39, Public Health ..	3,61,33,890	....	3,61,33,890
22	Agriculture ..	40, Agriculture ..	5,22,92,120	....	5,22,92,120
23	Veterinary ..	41, Veterinary ..	32,87,000	....	32,87,000
24	Co-operation ..	42, Co-operation ..	1,23,49,000	....	1,23,49,000
25	Industries ..	43, Industries ..	1,23,36,500	....	1,23,36,500
26	Industries Development.	43-A, Capital Outlay on Industrial Development.	12,000	....	12,000
27	Miscellaneous Departments (except Labour).	47, Miscellaneous Departments.	1,95,83,320	....	1,95,83,320
28	Labour ..	47, Miscellaneous Departments.	28,25,000	....	28,25,000
29	Civil Works ..	50, Civil Works ..	9,66,51,680	4,41,000	9,70,93,580
30	Bombay Development Scheme.	51, Bombay Development Scheme.	21,68,000	....	21,68,000
31	Multipurpose River Schemes.	51-B, Other Revenue Expenditure connected with Multipurpose River Schemes.	31,000	....	31,000
32	Electricity Schemes.	XII—Receipts from Electricity Schemes— <i>Deduct</i> —Working expenses.	1,38,000	....	1,38,000
33	Famine ...	54, Famine ...	7,53,000	12,00,000	19,53,000
34	Territorial and Political Pensions.	54-A, Territorial and Political Pensions.	78,000	.....	78,000

SCHEDULE —*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
35	Privy Purses and Allowances.	54-B, Privy Purses and Allowances of Indian Rulers.	16,60,000	.....	16,60,000
36	Superannuation Allowances and Pensions.	55, Superannuation Allowances and Pensions.	2,80,15,000	5,18,000	2,85,33,000
37	Stationery and Printing.	56, Stationery and Printing.	1,14,27,220	.....	1,14,27,220
38	Miscellaneous ...	57, Miscellaneous ...	3,69,62,300	.....	3,69,62,300
39	Extraordinary Charges.	63, Extraordinary Charges.	3,000	.....	3,000
40	Community Development Projects, National Extension Service and Local Development Works.	63-B, Community Development Projects, National Extension Service and Local Development Works.	2,33,37,000	.....	2,33,37,000
41	Civil Defence ...	64-B, Civil Defence ...	1,04,100	.....	1,04,100
		Total Expenditure on revenue account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	81,49,59,300	12,41,40,780	93,91,00,080
42	Irrigation ...	68, Construction of Irrigation, etc., Works.	13,12,21,824	.....	13,12,21,824
43	Public Health ...	70, Capital Outlay on Improvement of Public Health.	68,81,000	.....	68,81,000
44	Industrial Development.	72, Capital Outlay on Industrial Development.	2,14,12,000	.....	2,14,12,000
45	Bombay Development Scheme.	80, Bombay Development Scheme.	5,19,000	.....	5,19,000
46	Civil Works ...	81, Capital Account of Civil Works outside the Revenue Account.	3,89,96,000	.....	3,89,96,000

SCHEDULE—concl'd.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
47	Electricity Schemes.	81-A, Capital Outlay on Electricity Schemes.	4,01,25,000	.....	4,01,25,000
48	Housing of Displaced Persons and Milk Scheme.	82, Capital Account of other State Works outside the Revenue Account.	2,22,72,200	.....	2,22,72,200
49	Payments of Com-muted value of Pensions.	83, Payments of Com-muted Value of Pensions.	9,40,000	.....	9,40,000
50	Payments to re-trenched Person-nel.	85, Payments to Retrenched Personnel.	5,00,000	.....	5,00,000
51	Schemes of State Trading.	85-A, Capital Outlay on State Schemes of State Trading.	29,42,99,600	34,000	29,43,33,600
		Total—Capital Ex-penditure outside the Revenue Ac-count.	55,71,66,624	34,000	55,72,00,624
52	Permanent Debt...	Permanent Debt ...	.....	3,29,80,000	3,29,80,000
53	Loans from the Central Govern-ment.	Loans from the Central Government.	.....	1,50,37,000	1,50,37,000
54	Loans and Advances bearing interest.	Loans and Advances by State Govern-ment.	15,42,91,000	1,44,000	15,44,35,000
		Total Disbursement under Debt Heads.	15,42,91,000	4,81,61,000	20,24,52,000
		Grand Total	1,52,64,16,924	17,23,35,780	1,69,87,52,704

THE BOMBAY APPROPRIATION (EXCESS EXPENDITURE) ACT, 1955.

CONTENTS.

PREAMBLE

SECTIONS

- 1 Short title.
- 2 Issue of Rs. 11,60,21,713 out of the Consolidated Fund of the State of Bombay for the year 1950-51.
- 3 Appropriation.

SCHEDULE.

BOMBAY ACT No. XI OF 1955.

[THE BOMBAY APPROPRIATION (EXCESS EXPENDITURE)
ACT, 1955.]

[9th April 1955.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the Service of the year ending on the thirty-first day of March 1951.

WHEREAS by virtue of Article 205 of the Constitution of India, read with Article 204 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1951, and for the purpose of authorising the expenditure of the said sums; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Appropriation (Excess Expenditure) Short title, Act, 1955.

2. From and out of the Consolidated Fund of the State of Bombay, there may be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rs. 11,60,21,713 defraying the several charges which have come in course of payment during the year ending on the thirty-first day of March 1951, in respect of the services and purposes specified in column 2 of the Schedule.

Issue of Rs.
11,60,21,713
out of the
Consolidated
Fund of the
State of
Bombay for
the year
1950-51.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1951.

SCHEDULE.

Serial No.	Services and purposes.	Heads of Account.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
1	Forest	10, Forest	....	338	338
2	Registration	11, Registration	1,682	....	1,682
3	Other Taxes and Duties	13, Other Taxes and Duties.	....	1,15,210	1,15,210
4	Appropriation for reduction or avoidance of Debt.	23, Appropriation for reduction or avoidance of Debt.	....	15,80,389	15,80,389
5	General Administration	25, General Administration.	14,36,532	....	14,36,532
6	Administration of Justice	27, Administration of Justice.	7,73,166	....	7,73,166

¹For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, p. 74.

SCHEDULE—contd.

Serial No.	Services and purposes.	Heads of Account.	Sums not exceeding.		
			Voted by the Legislative Assembly.	Charged on the Consoli- dated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
7	Ports and Pilotage	.. 30, Ports and Pilotage.	1,323	....	1,323
8	Dangs	.. 33-A, Dangs District ..	4,10,279	....	4,10,279
9	Public Health	.. 39, Public Health ..	9,07,751	....	9,07,751
10	Superannuation Allowances and Pensions.	55, Superannuation Allowances and Pensions.	2,06,876	....	2,06,876
11	Miscellaneous	.. 57, Miscellaneous ..	1,81,624	33	1,81,657
Total expenditure on Revenue Account (including Revenue Expenditure and Capital Expenditure within Revenue Account).			39,19,233	16,05,970	55,15,203
12	Civil Works	.. 81, Capital Account of Civil Works outside the Revenue Account.	1,40,979	....	1,40,979
13	Electricity Schemes	.. 81-A, Capital Outlay on Electricity Schemes.	5,20,245	....	5,20,245
14	Payment of Commuted value of Pensions.	83, Payments of Com- muted value of Pensions.	43,902	....	43,902
15	State Schemes connected with State Trading.	85-A, Capital Outlay on State Schemes of State Trading.	10,81,21,206	....	10,81,21,206
Total Capital expenditure outside the Revenue Account.			10,88,26,332	....	10,88,26,332
16	Loans from the Central Government.	Loans from the Central Government.	....	15,80,178	15,80,178
Total disbursement under Debt Heads			....	15,80,178	15,80,178
Grand Total			.. 11,27,45,565	32,76,148	11,60,21,713

THE PROVINCIAL SMALL CAUSE COURTS (SUITS VALIDATION) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS. -

1. Short title.
2. Definitions.
3. Validation of certain suits, proceedings, etc.

BOMBAY ACT No. XVI OF 1955.¹

[THE PROVINCIAL SMALL CAUSE COURTS (SUITS VALIDATION) ACT, 1955.]

[14th April 1955]

An Act to validate certain suits and proceedings in the Small Cause Court established under the Provincial Small Cause Courts Act, 1887.

WHEREAS it is necessary to validate certain suits and proceedings in certain Courts of Small Causes established in the State under the Provincial Small Cause Courts Act, 1887 ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Provincial Small Cause Courts (Suits Validation) Act, 1955. Short title.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

IX of 1887. (1) "principal Act " means the Provincial Small Cause Courts Act, 1887, as amended in its application to the State of Bombay ;

(2) " Small Cause Court " means a Court of Small Causes established under the principal Act ;

(3) " special jurisdiction suit " means a suit of civil nature, the value of which exceeds Rs. 1,000 but does not exceed Rs. 2,000 ;

(4) " proceedings " includes proceedings in execution of decrees or orders passed in special jurisdiction suits or in applications for revision of the said decrees or orders.

Bom. LVII of 1950. 3. (1) Notwithstanding anything contained in sub-section (3) of section 15 of Validation of the principal Act, all special jurisdiction suits the cognizance of which was taken after the commencement of the Provincial Small Cause Courts (Bombay Amendment) Act, 1950, but before the 25th day of February 1955 by the Small Cause Courts shall be deemed, and always to have been deemed, to be taken cognizance of, tried or disposed of, validly and notwithstanding the fact that on the date on which the cognizance of such suits was taken, no order was made by the State Government directing that such suits shall be taken cognizance of by such Courts. All proceedings held, and judgments, decrees or orders passed, in such suits shall not be deemed to be invalid only on the ground that on the said date the State Government had not made such order. certain suits, proceedings, etc.

(2) Nothing contained in sub-section (1) shall affect any judgment, decree or order declaring before the 25th day of February 1955 that such Courts were incompetent to take cognizance of such suits.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, p. 78.

**THE BOMBAY JUDICIAL PROCEEDINGS (REGULATION OF REPORTS)
ACT, 1955.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Restrictions on publication of reports of judicial proceedings.
4. Penalty.
5. Jurisdiction to try offences.
6. Previous sanction.
7. Forfeiture and seizure of newspaper, etc., under section 99A of Criminal Procedure Code.
8. Operation of other laws.

SCHEDULE.

BOMBAY ACT No. XVIII OF 1955.¹

[THE BOMBAY JUDICIAL PROCEEDINGS (REGULATION OF REPORTS)
ACT, 1955.]

[6th May 1955]

An Act to regulate the publication of reports of judicial proceedings.

WHEREAS it is necessary to regulate the publication of reports of judicial proceedings, so as to prevent the publication of obscene or indecent matter and other matters, the publication of which will not be in the public interest ; It is hereby enacted in the Sixth Year of the Republic of India, as follows :—

1. (1) This Act may be called the Bombay Judicial Proceedings (Regulation of Reports) Act, 1955. Short title,
extent and
commence-
ment.

(2) It extends to the whole of the State of Bombay.

(3) It shall come into force on such date as the State Government by notification in the *Official Gazette* appoints.

2. In this Act, unless the context otherwise requires :—

Definitions.

(a) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language and every sheet of music, map, chart or plan separately printed or lithographed or otherwise mechanically produced ;

(b) "document" includes any painting, drawing or photograph or other visible representation ;

(c) "judicial proceedings" includes any proceeding in the course of which evidence is or may be legally taken on oath ;

(d) "matrimonial matter" means any proceedings for dissolution or nullity of marriage, or for judicial separation, or for restitution of conjugal rights ;

(e) "newspaper" means any periodical work containing public news or comments on public news.

3. No person shall print or publish or cause to be printed or published,—

Restrictions
on publica-
tion of
reports of
judicial
proceedings.

(a) in respect of any judicial proceedings, any indecent or obscene matter, or any indecent or obscene details whether medical, surgical or physiological, which would be calculated to injure the public morals ;

(b) in respect of any matrimonial matter or any judicial proceedings in connection with the offence under section 497 of the Indian Penal Code; any particulars other than the following, that is to say :—

(1) the names of the parties ; and

(2) the order of the Court ;

XLV
of
1860.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, p. 3.

(c) in respect of any judicial proceedings in connection with an offence under section 354, 366, 366A, 366B, 376, 377, or 498 of the Indian Penal Code, any particulars other than the following, that is to say :—

XLV
of
1860.

(1) the name, occupation and address of the accused ; and

(2) the order of the Court, without disclosing the identity of, or giving any particulars calculated to lead to the identification of, any person who may have been a victim of the offence :

Provided that nothing in this section shall apply to the printing of any pleading, transcript of evidence or other document for use in connection with any judicial proceedings or the communication thereof to persons concerned in the proceedings or to the printing or publishing of any notice or report in pursuance of the directions of the Court or to the printing or publishing of any matter in a separate volume or part of any *bona fide* series of law reports or in any publication of a technical character *bona fide* intended for circulation among members of the legal or medical professions.

Penalty.

4. Whoever contravenes the provisions of this Act shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both ; and any newspaper, book or document (including all copies thereof) in respect of which an offence has been committed shall also be liable to be forfeited to the State Government.

Jurisdiction
to try
offences.

5. No Court inferior to that of the Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act.

Previous
sanction.

6. No Court shall take cognisance of an offence under this Act except with the previous sanction of the State Government.

Forfeiture
and seizure
of newspaper,
etc., under
section 99A
of Criminal
Procedure
Code.

7. The provisions of section 99A of the Code of Criminal Procedure, 1898, ^{7 of 1898.} are hereby amended as specified in the Schedule to this Act and the provisions of the said section as amended shall, notwithstanding anything contained in section 4, apply in respect of any newspaper, book or document, which appears to the State Government to contain any matter in contravention of the provisions of this Act.

Operation
of other
laws.

8. Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other law for any act which is an offence under this Act,

SCHEDULE.

(See section 7.)

In section 99A of the Code of Criminal Procedure, 1898, after the words “ appears ^{7 of 1898.} to the State Government to contain ” the words “ in respect of any judicial proceedings any indecent or obscene matter or any indecent or obscene details, whether medical, surgical or physiological, which would be calculated to injure the public morals, or ” shall be inserted.

THE BOMBAY BHIL NAIK INAMS ABOLITION ACT, 1955.

CONTENTS.**PREAMBLE.****SECTIONS.**

1. Short title, extent and commencement.
2. Definitions.
3. Act not to apply to certain inams.
4. Abolition of Bhil Naik Inams and resumption of inam villages and lands.
5. Occupancy rights in respect of lands in inam villages and inam lands.
6. Uncultivated and waste lands and all property of the nature specified in section 37 of the Code vests in Government.
7. Method of compensation for abolition, etc. of other rights in lands.
8. Court-fees.
9. Finality of award of Collector and decision of Revenue Tribunal.
- 10. Inquiries and proceedings to be judicial proceedings.
11. Amount of compensation to be payable in transferable lands.
12. Provisions of Bom. LXVII of 1948 to govern relations of landlord and tenants.
13. Rules.
14. Saving.

BOMBAY ACT No. XXI OF 1955.¹

[THE BOMBAY BHIL NAIK INAMS ABOLITION ACT, 1955.]

[3rd June 1955]

An Act to abolish Bhil Naik Inams prevailing in the districts of West Khandesh and Nasik in the State of Bombay.

WHEREAS it is necessary and expedient in the public interest to abolish the Bhil Naik Inams held for service useful to Government on political considerations in the districts of West Khandesh and Nasik in the State of Bombay and to provide for other incidental and consequential matters hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Bhil Naik Inams Abolition Act, Short title,
extent and
commence-
ment.
1955.

(2) It extends to the districts of West Khandesh and Nasik in the State of Bombay.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

2. (1) In this Act, unless there is anything repugnant in the subject or context,— **Definitions.**

(i) “appointed date” means the date on which this Act comes into force ;

(ii) “Bhil Naik Inam” means the grant of a village or land for service useful to Government on political considerations in accordance with the terms and conditions specified in Government Resolution in the Revenue Department, No. 5763, dated the 19th August 1902 and entered in the alienation register kept under section 53 of the Code as “Class VI—Village servants useful to Government” and includes the land granted in Marod village of Navapur taluka under Government order in the Revenue Department No. 288, dated the 11th January 1919 ;

Bom.
V of
1879.

(iii) “Code” means the Bombay Land Revenue Code, 1879 ;

(iv) “Collector” includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;

(v) “inamdar” means a holder of a Bhil Naik Inam ;

(vi) “inam village” or “inam land” means a village or land, as the case may be, held by an inamdar under a Bhil Naik Inam ;

(vii) “prescribed” means prescribed by rules made under this Act.

(2) The other words and expressions used but not defined in this Act shall have the meanings assigned to them in the Code.

3. Nothing in this Act shall apply to—

(i) devastan inams or inams held for religious or charitable institutions ; and

(ii) inams other than Bhil Naik Inams held for service useful to Government in an inam village or inam land.

Act not to
apply to
certain
inams.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, pp. 28-29.

Abolition of
Bhil Naik
Inams and
resumption
of inam
villages and
lands.

4. Notwithstanding any settlement, grant, sanad or order or any law for the time being in force, with effect from and on the appointed date—

(1) all Bhil Naik Inams shall be deemed to have been abolished, and

(2) any liability to render service and all other incidents appertaining to such inams are hereby extinguished.

(3) All inam villages and inam lands are hereby resumed and shall be deemed to be subject to the payment of land revenue under the provisions of the Code and the rules made thereunder and the provisions of the Code and the rules relating to unalienated lands shall apply to such lands.

Occupancy
rights in
respect of
lands in
inam
villages and
inam lands.

5. (1) In an inam village and inam land—

(i) in the case of land which is not uncultivated on the appointed date and is in the actual possession of an inamdar or in the possession of a person holding through or from him other than an inferior holder referred to in clause (b) below, such inamdar, and

(ii) in the case of land, which is not uncultivated on the appointed date and is in the possession of an inferior holder on payment of annual assessment only to the inamdar, such inferior holder,

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land and shall be entitled to all the rights and shall be liable to all obligations in respect of such land as an occupant under the Code or the rules made thereunder or any other law for the time being in force :

Provided that the inamdar, in respect of the land which is in the possession of a person holding through or from him and the inferior holder in respect of the land in his possession shall be entitled to the rights of an occupant on payment to the State Government of such occupancy price as may be fixed by the State Government by special or general order but not exceeding an amount equal to six times the amount of the full assessment of such land within the prescribed period.

(2) If the inamdar or the inferior holder fails to pay the occupancy price within the prescribed period he shall be deemed to be unauthorizedly occupying the land and shall be liable to be summarily ejected in accordance with the provisions of the Code.

(3) The occupancy of the land granted under this section shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may, by general or special order, determine.

Explanation.—For the purposes of this section and section 6, land shall be deemed to be uncultivated if it has not been cultivated for a continuous period of three years immediately before the appointed date.

Uncultivated
and waste
lands and all
property
of the nature
specified in
section 37
of the Code
vests in
Government.

6. For the removal of doubt it is hereby declared that all uncultivated and waste lands, whether assessed or unassessed, in an inam village or inam land and all other kinds of property referred to in section 37 of the Code situate in an inam village or inam land, which are not the property of the individuals or of any aggregate of persons legally capable of holding property and except in so far as any rights of such persons may be established in or over the same and except as may be otherwise provided in any law for the time being in force, are, together with all

rights in and over the same or appertaining thereto, the property of the State Government and it shall be lawful to dispose of or set apart the same by the authority and for the purpose provided in section 37 or 38 of the Code, as the case may be.

7. (1) If any person is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to, or interest in, property such person may apply to the Collector for compensation.

Method of compensation for abolition, etc. of other rights in land.

I of 1894.

(2) An application under sub-section (1) shall be made to the Collector in a prescribed form within six months from the appointed date. The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining the compensation in the manner and according to the method provided for in sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894.

(3) Nothing in this section shall entitle any person to compensation on the ground that any land, which was wholly or partially exempt from the payment of land revenue, has been under the provisions of this Act made subject to the payment of full assessment in accordance with the provisions of the Code.

Bom. XII of 1939.

(4) Any person aggrieved by the award of the Collector made under sub-section (2) may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, within 60 days from the date of the award.

V of 1908.

(5) In deciding appeals under sub-section (4), the Bombay Revenue Tribunal shall exercise all the powers which a Court has and follow the same procedure which the Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908.

IX of 1908.

(6) In computing the period for filing appeals the provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the appeals made under this section.

VII of 1870.

8. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

Court-fees.

9. The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any court.

Finality of award of Collector and decision of Revenue Tribunal.

XLV of 1860.

10. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

Inquiries and proceedings to be judicial proceedings.

11. The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

Amount of compensation to be payable in transferable bonds.

Provisions of Bom. LXVII of 1948 to govern relations of landlord and tenants. 12. Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, Bom. LXVII to any inam village or inam land or the mutual rights and obligations of a holder of and his tenants, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act.

Rules. 13. The State Government may, subject to the condition of previous publication, make rules for the purpose of carrying out the provisions of this Act. Such rules shall when finally made be published in the *Official Gazette*.

Saving. 14. Nothing in this Act shall be deemed to affect,—
(a) any obligation or liability already incurred before the appointed date ;
or
(b) any proceeding or remedy in respect of such obligation or liability ;
and any such proceeding or remedy may be instituted, continued or enforced as if this Act had not been passed.

**THE BOMBAY MERGED TERRITORIES MISCELLANEOUS ALIENATIONS
ABOLITION ACT, 1955.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Act not to apply to certain kinds of alienations.
4. Abolition of alienations and rights and incidents in respect thereof.
5. Liability of alienated lands to payment of land revenue.
6. Occupancy rights in respect of alienated lands held under community service inam.
7. Occupancy rights in respect of lands held under watan.
8. What persons to be occupants in Wanta or Giras.
9. Occupancy rights in respect of alienated land to which section 6, 7 or 8 does not apply.
10. Effect of failure to pay occupancy price.
11. All public roads, etc. situate in alienated land to vest in Government.
12. Rights to trees.
13. Right to mines or mineral products.
14. Compensation in respect of alienation consisting of assignment of land revenue.
15. Compensation in respect of allowances in cash or kind.
16. Compensation in respect of property referred to in section 11.
17. Method of awarding compensation to alienee.
18. Method of awarding compensation for abolition, etc., of rights of other person in property.
19. Provisions of Land Acquisition Act, 1894, applicable to award.
20. Appeal against Collector's award.
21. Procedure before Revenue Tribunal.

SECTIONS.

22. Limitation.
23. Court-fees.
24. Finality of award and decision of Revenue Tribunal.
25. Inquiries and proceedings to be judicial proceedings.
26. Amount of compensation to be payable in transferable bonds.
27. Alienees to deliver records to authorized officers.
28. Provisions of Bom. LXVII of 1948 to govern the relations of Landlord and tenants.
29. Rules.
30. Saving.

SCHEDULE.

BOMBAY ACT No. XXII OF 1955.¹

[THE BOMBAY MERGED TERRITORIES MISCELLANEOUS ALIENATIONS ABOLITION ACT, 1955.]

[3rd June 1955]

An Act to abolish miscellaneous alienations of various kinds prevailing in the merged territories in the State of Bombay:

WHEREAS certain kinds of alienations prevailing in the merged territories and merged areas have been abolished ;

AND WHEREAS it is expedient in the public interest to abolish the remaining alienations of miscellaneous character prevailing in the merged territories and to provide for matters consequential and incidental thereto ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

CHAPTER I.

Preliminary.

1. (1) This Act may be called the Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955. Short title,
extent and
commence-
ment.

(2) It extends to the merged territories in the State of Bombay.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

2. (1) In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(i) " alienation " means a grant or recognition as a grant,—

(I) of a village, portion of a village or land to any person, whether such grant be of soil with or without exemption from payment of land revenue or of assignment of the whole or a share of land revenue thereof,

(II) of total or partial exemption from payment of land revenue to a person in respect of any land held by him, or

(III) of cash allowance or allowance in kind to any person by whatever name called,

by the ruling authority for the time being before merger or by the State Government after merger, and includes,—

(a) any total or partial exemption from payment of land revenue reserved to himself or enjoyed by a ruler of a former Indian State in respect of any land held by him in his own State before merger as his private property, and

(b) Wanta and Giras rights in land or to cash allowances regulated by the rules published under Huzur Cutcherry Notification No. T-3/80 of 1946-47, dated the 24th March 1947 (hereinafter referred to as the Baroda Giras Rules) ;

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, p. 350.

(ii) "alienated land" means a village or portion of a village or land, as the case may be, held by an alienee under an alienation ;

(iii) "alienee" means the holder of an alienation and includes his co-sharer recognized as such for the purpose of such alienation ;

(iv) "appointed date" means the date on which this Act comes into force ;

(v) "Barkhali land" in relation to a Wanta or Giras means land held as Jiwai, Jat Dharmadaya, Devasthan, Pirasthan, Vechania, Gharania, Pasaita Chakariat, Dharmadaya Chakariat, Jat Pasaita, Kanyadan or Bathamania and treated as permanent alienations or settled under the Baroda Giras Rules ;

(vi) "Code" means the Bombay Land Revenue Code, 1879 ;

Bom.
V of
1879.

(vii) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;

(viii) "Community service inam" means an alienation held for the purpose of performing service useful to the village community and includes an alienation held for such service even where such service has ceased to be demanded ;

(ix) "Commutation settlement" means a settlement made or confirmed under the law applicable to a watan relieving the holder, his heirs and successors of the liability to perform the services appertaining to the watan ;

(x) "Girassia" means the holder of a Wanta or Giras ;

(xi) "inferior holder" means a person who is in possession of an alienated land not on payment of rent but on payment of assessment in cash or kind to the alienee and includes a person holding such land through or from such person ;

(xii) "merger" means the cession by the Ruler of a former Indian State of full and exclusive jurisdiction and powers for and in relation to the governance of such State and the transfer of the administration of such State to the State of Bombay under section 290A of the Government of India Act, 1935 ;

26 Geo.
5 Ch 2.

(xiii) "permanent tenant" in relation to a Wanta or Giras means the holder of a Wanta or Giras land or Jiwai land who has a permanent tenancy in such land ;

(xiv) "prescribed" means prescribed by rules made under this Act ;

(xv) "Wanta" or "Giras" means land held as Wanta or Giras by a Girassia in accordance with the provisions of the Baroda Giras Rules ;

(xvi) "watan" means an alienation held as watan appertaining to the office of a village accountant commonly known as Kulkarni or known by any other similar name or as watan appertaining to the office of a District (paragana) Officer commonly known as Sardeshmukh, Deshmukh, Deshpande or Desai or known by any other similar name, whether any commutation settlement in respect of such watan has or has not been effected.

(2) The other words or expressions used but not defined in this Act shall have the meanings assigned to them in the Code.

(3) References in this Act to the incidents of alienations shall, notwithstanding the abolition of the alienations by this Act, be construed as references to the incidents as they were in force immediately before the appointed date.

(4) If any question arises—

- (i) whether any land is an alienation,
- (ii) whether any alienation is a grant of soil or an assignment of land revenue or both or is a grant of total or partial exemption from payment of land revenue,
- (iii) whether any alienation is a community service inam or watan,
- (iv) whether a commutation settlement in respect of any watan has or has not been effected,
- (v) whether any land held under an alienation is or is not alienable without the permission of a competent authority,
- (vi) whether any alienation is hereditary or for the life-time of the alienee, or
- (vii) whether any person is an inferior holder or a permanent tenant,

the State Government shall decide the question and such decision shall be final :

Provided that the State Government may authorize any officer to decide questions arising under any of the clauses (i), (ii), (iii), (iv), (v), (vi) and (vii) and subject to an appeal to the State Government, the decision of such officer shall be final.

3. (1) Nothing in this Act shall apply to—

- (a) Devasthan inams or inams held by religious or charitable institutions ;
- (b) alienations held for service useful to Government other than watan ;
- (c) any pension granted to an ex-servant of a former Indian State in consideration of the service rendered by him to such state ;
- (d) revenue-free sites granted by the ruling authority for the time being before merger for the construction of schools, colleges, hospitals, dispensaries, religious or charitable institutions or other public works from which no profit is intended to be derived ;
- (e) the sums payable under the rules for the settlement of the saranjams of the Feudatory Jagirdars of Kolhapur published in Government Notification in the Political and Services Department No. FCK. 1053, dated the 19th April 1954 ;
- (f) the land tenure to which the provisions of any of the enactments specified in the Schedule apply ;

Act not to
apply to
certain kinds
of alienations.

(2) Where an alienation is held jointly for service appertaining to a watan and for any other service useful to Government then for the purposes of this Act, the State Government shall, after holding such inquiry as it may think fit, decide what portion of such alienation shall be deemed to be an alienation held for service appertaining to a watan and what portion thereof shall be deemed to be an alienation held for any other service useful to Government.

CHAPTER II.

Abolition of alienations and conferment of occupancy rights.

4. Notwithstanding anything contained in any usage, settlement, grant, agree-ment, sanad, order, rule, notification or Vat Hukum or any decree or order of a Court or any law for the time being applicable to any alienation in the merged territories, with effect from and on the appointed date—

- (i) all alienations shall be deemed to have been abolished ;

Abolition of
alienations
and rights
and incidents
in respect
thereof.

(ii) save as expressly provided by or under this Act all rights legally subsisting on the said date in respect of such alienations and all other incidents of such alienations shall be deemed to have been extinguished.

Liability of alienated lands to payment of land revenue.

5. Subject to the other provisions of this Act all alienated lands are and shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder and the provisions of the Code and rules relating to unalienated lands shall apply to such lands.

Occupancy rights in respect of alienated lands held under community service inam.

6. In the case of an alienated land held under a community service inam—

(a) if such land is in the actual possession of the alienee or in possession of a person holding through or from him other than an inferior holder, such alienee, and

(b) if such land is in the possession of an inferior holder, such inferior holder,

shall be primarily liable to the State Government for the payment of land revenue due in respect of the land held by him and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or the rules made thereunder :

Provided that if under the terms of the alienation such land is resumable for non-performance of service, the alienee or inferior holder, as the case may be, shall be entitled to the rights of an occupant in respect of such land on payment to the State Government of the occupancy price equal to six times the amount of the full assessment of such land within the prescribed period :

Provided further that if such land under the terms of alienation was not alienable except with the permission of a competent authority, such land shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

Occupancy rights in respect of lands held under watan.

7. All land held under a watan is hereby resumed and shall be regranted to the holder in accordance with the following provisions, namely :—

(1) in the case of a watan, if the commutation settlement permits the transfer of the land appertaining to such watan, the land shall be regranted to the holder without payment of any occupancy price ;

(2) in the case of a watan, to which clause (1) does not apply, the land appertaining to the watan shall be regranted to the holder on payment of the occupancy price equal to twelve times the amount of the full assessment of such land within the prescribed period :

Provided that in respect of the land held under a watan which has not been assigned towards the emoluments of the person performing the service appertaining to the watan, occupancy price equal to six times the amount of the full assessment of such land shall be paid by the holder within the aforesaid period for its grant ;

(3) the occupancy of the land regranted under clause (2) shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

Explanation.—For the purpose of this section, the expression “holder” shall include—

(1) an alienee holding land under a watan, and

(2) in the case of a watan the commutation settlement in respect of which permits the transfer of the land appertaining to the watan, a person in whom the ownership of such land for the time being vests.

8. (1) In a Wanta or Giras,—

What persons
to be
occupants
in Wanta or
Giras.

(i) in the case of land other than Barkhali land—

(a) if such land is in the actual possession of the Girassia or in the possession of a person other than a permanent tenant, holding through or from the Girassia, such Girassia, and

(b) if such land is in the possession of a permanent tenant, such permanent tenant,

(ii) in the case of Barkhali land, held as Jiwai land,—

(a) if such land is in the actual possession of the holder thereof (hereinafter referred to as the Jiwaitdar) or in the possession of a person other than a permanent tenant holding through or from the Jiwaitdar, such Jiwaitdar, and

(b) if such land is in the possession of a permanent tenant, such permanent tenant, and

(iii) in the case of any other Barkhali land other than Devasthan and Pirasthan land or land held for service useful to Government, the holder of such land,

shall be primarily liable to the State Government for the payment of land revenue due in respect of the land held by him and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or the rules made thereunder :

Provided that in the case of the land referred to in sub-clause (b) of clause (i) and sub-clause (b) of clause (ii), the permanent tenant shall be entitled to the rights of an occupant on payment in the prescribed manner to the Girassia or Jiwaitdar, as the case may be, of the occupancy price equivalent to six times the amount of the full assessment of such land :

Provided further that in the case of Barkhali land referred to in clause (iii), if such land was held as Dharmadaya Chakariat or Pasaita Chakariat and was not a permanent alienation within the meaning of the Baroda Giras Rules, the holder of such land shall be entitled to the rights of an occupant on payment to the State Government of the occupancy price equivalent to six times the amount of the full assessment of such land.

(2) The occupancy of land conferred on the holder of a Dharmadaya Chakariat or Pasaita Chakariat land which was not a permanent alienation within the meaning of the Baroda Giras Rules shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

Occupancy rights in respect of alienated land to which section 6, 7 or 8 does not apply.

9. In the case of an alienated land to which the provisions of section 6, 7 or 8 do not apply,

(a) if such land is in the actual possession of the alienee or is in the possession of a person holding through or from him other than an inferior holder, such alienee, and

(b) if such land is in the possession of an inferior holder, such inferior holder,

shall be primarily liable to the State Government for the payment of land revenue due in respect of the land held by him and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or the rules made thereunder :

Provided that if in respect of an alienated land the alienation consists of the grant of the soil with or without exemption from payment of land revenue, the alienee or the inferior holder, as the case may be, shall be entitled to the rights of an occupant in respect of such land on payment to the State Government of the occupancy price equal to six times the amount of the full assessment of such land within the prescribed period :

Provided further that if under the terms of the alienation such land was not alienable except with the permission of a competent authority, the occupancy of the land shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

Effect of failure to pay occupancy price.

10. (1) If any person, who is liable to pay to the State Government the occupancy price in respect of any land under section 6, 7, 8 or 9, fails to pay the same within the prescribed period, he shall be deemed to be unauthorizedly occupying the land and shall be liable to be summarily ejected in accordance with the provisions of the Code.

(2) If any person, who is liable to pay to the Girassia or Jiwardar, as the case may be, the occupancy price in respect of any land under section 8, fails to pay the same within the prescribed period, it shall be recoverable as an arrear of land revenue and the amount so recovered shall be paid to the Girassia or Jiwardar, as the case may be.

All public roads, etc., situate in alienated land to vest in Government.

11. All public roads, lanes and paths, the bridges, ditches, dikes and fences, on, or beside, the same, the bed of the sea and of harbours, creeks below high water mark, and of rivers, streams, nallas, lakes, wells and tanks, and all canals, and water courses, and all standing and flowing water, and all unbuilt village site lands, all waste lands and all uncultivated lands (excluding lands used for building or other non-agricultural purposes) which are situate within the limits of any alienated land shall, except in so far as any rights of any person other than the alienee may be established in or over the same and except as may otherwise be provided by any law for the time being in force, vest in, and shall be deemed to be with all rights in or over the same or appertaining thereto the property of, the State Government and all rights held by an alienee in such property shall be deemed to have been extinguished and it shall be lawful for the Collector, subject to the general or special orders of the State Government, to dispose them of as he deems fit, subject always to the rights of way and other rights of the public or of individuals legally subsisting.

Explanation.—For the purposes of this section, land shall be deemed to be uncultivated if it has not been cultivated for a continuous period of three years immediately before the appointed date.

XVI of 1927. 12. The rights to trees specially reserved under the Indian Forest Act, 1927, or Rights to any other law for the time being in force, except those the ownership of which has trees. been transferred by the State Government under any contract, grant or law for the time being in force shall vest in the State Government and nothing in this Act shall in any way affect the rights of the State Government to apply the provisions of the Indian Forest Act, 1927, as in force in the State of Bombay to forests in an alienated land.

13. Nothing in this Act or any other law for the time being in force shall be Right to deemed to affect the rights of any alienee subsisting on the appointed date to mines mines or or mineral products in alienated land granted or recognised under any contract, mineral products. grant or law for the time being in force or by custom or usage.

CHAPTER III.

Compensation and Award thereof.

14. (1) In the case of an alienation consisting of assignment of the whole or part of the land revenue of any land or village— Compensation in respect of alienation consisting of assignment of land revenue.

(i) if the alienation was continuable as hereditary without being subjected to any deduction or cut at the time of each succession, a sum equal to seven times the amount of such land revenue,

(ii) if the alienation was continuable as hereditary but subject to a deduction or cut at the time of each succession, a sum equal to five times the amount of such land revenue, and

(iii) if the alienation was continuable for the life time of the alienee, a sum equal to three times the amount of such land revenue,

shall be paid to the alienee as compensation for the abolition of the alienation.

(2) For the purpose of sub-section (1), the amount of land revenue shall be the amount received or due to the alienee on account of assignment of land revenue for the year immediately preceding the appointed date.

15. (1) In the case of an alienation consisting of a cash allowance or allowance in kind, the alienee shall be paid— Compensation in respect of allowances in cash or kind.

(i) seven times the amount of the cash allowance or of the value of the allowance in kind, as the case may be, if the alienation was hereditary without being subjected to deduction or cut at the time of each succession ;

(ii) five times the amount of the cash allowance or the value of the allowance in kind, as the case may be, if the alienation was hereditary but subject to a deduction or cut at the time of each succession ; or

(iii) three times the amount of cash allowance or the value of the allowance in kind, as the case may be, if the alienation was continuable for the life-time of the alienee :

Provided that if under the terms of a grant any such cash allowance or allowance in kind was received by a widow for the purpose of her maintenance, it shall be continued to such widow for her life-time.

(2) For the purpose of sub-section (1), the amount of cash allowance shall be the amount paid or payable to the alienee for the year immediately preceding the appointed date and the value of the allowance in kind shall be the value of the allowance in kind paid or payable to the alienee for the year immediately preceding the appointed date, such value being determined in the prescribed manner.

Compensation in respect of property referred to in section 11.

16. Any alienee having any right or interest in any property referred to in section 11 shall, if he proves to the satisfaction of the Collector that he had any such right or interest, be entitled to compensation in the following manner, namely:—

(i) if the property in question is waste or uncultivated but is cultivable land, the amount of compensation shall not exceed three times the assessment of the land:

Provided that if the land has not been assessed, the amount of compensation shall not exceed such amount of assessment as would be leviable in the same village on the same extent of similar land used for the same purpose;

(ii) if the property in question is land over which the public has been enjoying or has acquired a right of way or any individual has any right of easement, the amount of compensation shall not exceed the amount of the annual assessment leviable in the village for uncultivated land in accordance with the rules made under the Code or if such rules do not provide for the levy of such assessment, such amount as in the opinion of the Collector shall be the market value of the right or interest held by the claimant;

(iii) if there are any trees or structures on the land, the amount of compensation shall be the market value of such trees or structures, as the case may be.

Explanation.—For the purposes of this section, the “market value” shall mean the value as estimated in accordance with the provisions of sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894, in so far as the said provisions may be applicable. 1 of 1894.

Method of awarding compensation to alienee.

17. (1) Any alienee entitled to compensation under section 14, 15 or 16 shall within the prescribed period apply in writing to the Collector for determining the amount of compensation payable to him under the said section.

(2) On receipt of an application under sub-section (1), the Collector shall after making formal enquiry in the manner provided by the Code, make an award determining the amount of compensation. Where there are co-sharers claiming compensation, the Collector shall by his award apportion the compensation between the co-sharers.

Method of awarding compensation for abolition, etc., of rights of other person in property.

18. (1) If any person is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to, or interest in, property and if compensation for such abolition, extinguishment or modification has not been provided for in the provisions of this Act, such person may apply to the Collector for compensation.

I of
1894. (2) The application under sub-section (1) shall be made to the Collector in the prescribed form within the prescribed period. The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining the compensation in the manner and according to the method provided for in sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894.

(3) Nothing in this section shall entitle any person to compensation on the ground that any alienated land which was wholly or partially exempt from payment of land revenue has been under the provisions of this Act made subject to the payment of full assessment in accordance with the provisions of the Code.

I of
1894. 19. Every award made under section 17 or 18 shall be in the form prescribed in section 26 of the Land Acquisition Act, 1894, and the provisions of the said Act shall, so far as may be, apply to the making of such award. Provisions of Land Acquisition Act, 1894, applicable to award.

Bom.
XII
of
1939. 20. An appeal shall lie against an award of the Collector to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, notwithstanding anything contained in the said Act. Appeal against Collector's award.

21. (1) The Bombay Revenue Tribunal shall, after giving notice to the appellant and the State Government, decide the appeal and record its decision. Procedure before Revenue Tribunal.

V of
1908. (2) In deciding an appeal under this Act the Bombay Revenue Tribunal shall exercise all the powers which a Court has and shall follow the same procedure which a Court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908.

IX of
1908. 22. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal. Limitation.

VII of
1870. 23. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed. Court-fees.

24. The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court. Finality of award and decision of Revenue Tribunal.

XLV
of
1860. 25. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code. Inquiries and proceedings to be judicial proceedings.

26. The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed. Amount of compensation to be payable in transferable bonds.

CHAPTER IV.

Miscellaneous.

Alienees to deliver records to authorized officers.

27. (1) Whenever an officer authorized by the State Government in this behalf so directs, an alienee shall deliver to him or such other officer as may be specified in the direction, the records relating to the alienated land maintained by the alienee.

(2) If the alienee fails without reasonable cause to deliver any such records, he shall, on conviction, be punished with fine which may extend to two hundred rupees. In the case of a continuing failure to deliver any such records the alienee shall be punished with an additional fine which may extend to twenty-five rupees for every day during which such failure continues after conviction for the first such failure.

Provisions of Bom. LXVII of 1948 to govern the relations of landlord and tenants.

28. Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, Bom. LXVII of 1948 to any alienated land or the mutual rights and obligations of a landlord and his tenants save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act.

Rules.

29. The State Government may, subject to the condition of previous publication, make rules for the purposes of carrying out the provisions of this Act. Such rules shall, when finally made, be published in the *Official Gazette*.

Saving.

30. Nothing contained in this Act shall affect,—

(1) any obligation or liability already incurred under an incident of an alienation before the date on which this Act comes into force, or

(2) any proceeding or remedy in respect of such obligation or liability,

and any such proceeding or remedy may be instituted, continued or enforced as if this Act had not been passed.

SCHEDULE.

(See section 3.)

1. The Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953 (Bom. XLIII of 1953).

2. The Bombay Kauli and Katuban Tenures (Abolition) Act, 1953 (Bom. XLIV of 1953).

3. The Bombay Merged Territories (Baroda Mulgiras Tenure Abolition) Act, 1953 (Bom. XLV of 1953).

4. The Bombay Merged Territories (Baroda Watan Abolition) Act, 1953 (Bom. XLVI of 1953).

5. The Bombay Merged Territories Matadari Tenure Abolition Act, 1953 (Bom. XLVIII of 1953).

6. The Bombay Merged Territories (Janjira and Bhor) Khoti Tenure Abolition Act, 1953 (Bom. LXXI of 1953).

7. The Bombay (Okhamandal Salami Tenure Abolition) Act, 1953 (Bom. I of 1954).

8. The Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953 (Bom. XXXIX of 1954).

THE INDIAN FOREST (BOMBAY AMENDMENT) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 2 of Act XVI of 1927.
3. Amendment of section 28 of Act XVI of 1927.
4. Amendment of section 35 of Act XVI of 1927.
5. Insertion of new sections 36-A, 36-B and 36-C in Act XVI of 1927.
6. Insertion of new section 80-A in Act XVI of 1927.

BOMBAY ACT No. XXIV OF 1955.¹

[THE INDIAN FOREST (BOMBAY AMENDMENT) ACT, 1955.]

[22nd June 1955]

An Act further to amend the Indian Forest Act, 1927, in its application to the State of Bombay.

XVI of 1927. WHEREAS it is expedient further to amend the Indian Forest Act, 1927, in its application to the State of Bombay, for the purposes hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Indian Forest (Bombay Amendment) Act, Short title. 1955.

XVI of 1927. 2. In section 2 of the Indian Forest Act, 1927. (hereinafter referred to as "the Amendment said Act"), in sub-clause (a) of clause (4), after the word "kuth" the words of section 2 of Act XVI of 1927. " , apta and temburni leaves " shall be inserted.

3. In section 28 of the said Act,—

Bom. VI of 1933. (1) in sub-section (1), after the word "village-community" the words and figures " , village panchayat established under the Bombay Village Panchayats of 1927. Act, 1933, or co-operative society registered or deemed to be registered under the Bombay Co-operative Societies Act, 1925," shall be inserted ;

Bom. VII of 1925. (2) in sub-section (2), after the word "community" the words " , panchayat or society " shall be inserted.

4. In section 35 of the said Act,—

(1) in sub-section (3), after the words "until after the issue" the words "by an officer authorised by the State Government in that behalf" shall be inserted ;

(2) after sub-section (3), the following sub-sections shall be added, namely :—

"(4) A notice to show cause why a notification under sub-section (1) should not be made, may require that for any period not exceeding six months, or till the date of the making of a notification, whichever is earlier, the owner of such forest and all persons who are entitled or permitted to do therein any or all of the things specified in clause (i) of sub-section (1), whether by reason of any right, title or interest or under any licence or contract or otherwise, shall not, after the date of the notice and for the period or until the date aforesaid, as the case may be, do any or all the things specified in clause (i) of sub-section (1), to the extent specified in the notice.

V of 1908. (5) A notice issued under sub-section (3) shall be served on the owner of such forest in the manner provided in the Code of Civil Procedure, 1908, for the service of summons and shall also be published in the manner prescribed by rules.

(6) Any person contravening any requisition made under sub-section (4) in a notice to show cause why a notification under sub-section (1) should not be made shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both."

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, pp. 38-39.

Insertion of new sections 36-A, 36-B and 36-C in Act XVI of 1927.

5. After section 36 of the said Act, the following new sections shall be inserted, namely :—

Manner of serving notice and order under section 36.

“ 36-A. The notice referred to in sub-section (1) of section 36 and the order, if any, made placing a forest under the control of a Forest-officer shall be served on the owner of such forest in the manner provided in the Code of Civil Procedure, 1908, for the service of summons. V of 1908.

Period of control.

36-B. (1) The period of such control of any forest shall be for ten years from the date of the order aforesaid ; but such period may thereafter be extended for successive periods of not more than ten years each :

Provided that the period of such control shall not in the aggregate exceed 30 years from the date of the order.

(2) The Forest-officer, under whose control the forest is placed, shall, not later than six months before the expiry of any period referred to in sub-section (1), make a report regarding such control and shall state therein whether in his opinion, any period of control should be extended.

(3) After considering any such report and subject to sub-section (1), the State Government shall decide whether to extend any period of control or whether to terminate it in the manner provided in the next succeeding section.

(4) No period of control shall be extended unless the owner has been given reasonable opportunity of showing cause against such extension.

Termination of control.

36-C. (1) If the State Government decides to terminate any period of control of any forest, it shall, by order published in the *Official Gazette* and in such other manner as may be prescribed by rules, so declare ; and thereupon possession of the forest shall be given to the owner, or if the owner be dead, to any person entitled to such possession, together with any sum of money which may be standing to the credit of such owner.

(2) All acts done or purported to be done by the Forest-officer in respect of any forest placed under his control, during the period of such control or of any extension thereof, shall be binding on the owner of such forest or any person to whom possession of the forest has been delivered under this section.”

Insertion of new section 80-A in Act XVI of 1927.

6. After section 80 of the said Act, the following section shall be inserted, namely :—

Power of Government to apply provisions of this Act to certain lands of Government or local authority.

“ 80-A. The State Government may, by notification in the *Official Gazette*, declare that any of the provisions of this Act shall apply to all or any lands on the banks of canals or the sides of roads which are the property of the State Government or a local authority and thereupon such provisions shall apply to such lands accordingly.”

THE BOMBAY REPEALING AND AMENDING ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Repeal of certain enactments.
3. Amendment of certain enactments.

THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

BOMBAY ACT No. II OF 1955.¹

[THE BOMBAY REPEALING AND AMENDING ACT, 1955.]

[16th March 1955]

An Act to repeal certain enactment and to amend certain other enactments.

WHEREAS it is expedient to repeal certain enactment and to amend certain other enactments for the purposes hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Repealing and Amending Act, 1955. Short title.
2. The enactment specified in the First Schedule is hereby repealed to the extent mentioned in the fourth column thereof. Repeal of certain enactment.
3. The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof. Amendment of certain enactments.

THE FIRST SCHEDULE.**REPEAL.**

(See section 2.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1912	VI	... The Bombay Medical Act, 1912.	Section 9A.

THE SECOND SCHEDULE.**AMENDMENTS.**

(See section 3.)

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1901	III	... The Bombay District Municipal Act, 1901.	In section 48, in sub-section (1), in clause (j) for the words "use or consumption" the words "consumption, use or sale" shall be substituted.
1908	XVI	... The Indian Registration Act, 1908, in its application to the State of Bombay.	In section 69, clause (gg) of sub-section (1) as inserted by the Indian Registration (Bombay Amendment) Act, 1930, shall be re-lettered as clause (ggg). Bom. XVII of 1930.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, pp. 33-35.
MO-B 1791 H-1a

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1912	VI	... The Bombay Medical Act, 1912.	(1) In section 2,— (i) in sub-section (3), after the words "The President" the words "and Vice-President" shall be inserted. (ii) in sub-section (4) for the words "the President and members" the words "the President and Vice-President and other members" shall be substituted. (2) In section 3, in sub-section (1) for the words "The President and members" the words "The President, Vice-President and other members" shall be substituted. (3) In section 4, after the words "in the absence of the President" the words "the Vice-President and in the absence of both" shall be inserted.
1925	XVIII	... The Bombay Municipal Boroughs Act, 1925.	In section 61, in clause (n) of sub-section (1) for the words "use or consumption" the words "consumption, use or sale" shall be substituted.
1938	XXVI	... The Bombay Medical Practitioners' Act, 1938.	In section 18A, to sub-section (1), the following proviso shall be added and shall be deemed always to have been added, namely:— "Provided that the renewal fee due on 31st day of December 1954 may be paid not later than the 31st day of March 1955."
1939	XXII	... The Bombay Agricultural Produce Markets Act, 1939.	After section 21A, the following new section shall be inserted, namely:— "21B. The Chairman, the Vice-Chairman, the members, the secretary and other officers and servants of a Market Committee shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code."
1947	LXI	... The Bombay Primary Education Act, 1947.	(1) In section 2, after clause (10), the following clause shall be inserted, namely:— "(10A) 'Educational Inspector of the district' means the Educational Inspector appointed for a district or group of districts;" (2) In sections 23, 24 and 34 for the words "Educational Inspector of the division" the words "Educational Inspector of the district" shall be substituted. (3) In section 49, in sub-section (2) after the words "Educational Inspector" the words "of the district" shall be inserted.

XLV
of
1860.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1951	XLVIII ...	The Bombay Homoeopathic Act, 1951.	<p>In section 19, to sub-section (2), the following proviso shall be added, namely :—</p> <p>“ Provided that in respect of persons eligible for registration under sub-clause (b) of clause (i) of sub-section (3) of section 18, such applications for registration may be made to the Registration Tribunal before the expiry of two months from the date of the coming into force of the Bombay Repealing and Amending Act, 1955.”</p> <p>Bom. II of 1955.</p>
1953	XLIII ...	The Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953.	<p>(1) In the preamble, in sub-section (2) of section 1, and sub-clause (ii) of clause (b) of sub-section (1) of section 2 after the word “Malpur,” the word “Ambaliara,” and after the words “Deogadh Baria” the words “and of the former estate of Ramas”, and</p> <p>(2) in the Second Schedule, in the heading after the word “Malpur,” the word “Ambaliara,” and after the word “States” the words “and of the former estate of Ramas”,</p> <p>shall be inserted and shall be deemed always to have been inserted.</p>
1954	XIV ...	The Bombay Nurses, Midwives and Health Visitors Act, 1954.	<p>(1) In section 2, to clause (g), the words “and an auxiliary nurse and midwife” shall be added.</p> <p>(2) In section 29, in clause (c) of sub-section (2) after the words “and examinations” the brackets and words “(including those for auxiliary nurses and midwives)” shall be inserted.</p>
1954	XLI ...	The Bombay Village Industries Act, 1954.	<p>For section 32, the following shall be substituted, namely :—</p> <p>“ 32. For the avoidance of doubt, it is hereby declared that nothing in this Act shall apply to or be deemed to apply to any industry, the control of which by the Union is declared by Parliament by law to be expedient in the public interest.”</p>

THE BOMBAY (SUPPLEMENTARY) APPROPRIATION ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Issue of Rs. 4,49,04,184 out of the Consolidated Fund of the State of Bombay for the year 1954-55.
3. Appropriation.

SCHEDULE.

BOMBAY ACT No. III OF 1955. ¹

[THE BOMBAY (SUPPLEMENTARY) APPROPRIATION ACT, 1955.]

[16th March 1955]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1955.

WHEREAS by virtue of Article 204 of the Constitution of India, read with Article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1955, and for the purpose of authorising payment of the said sums; It is hereby enacted in the Sixth Year of the Republic of India as follows:—

1. This Act may be called the Bombay (Supplementary) Appropriation Act, 1955. Short title.

2. From and out of the Consolidated Fund of the State of Bombay, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rupees 4,49,04,184 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1955, in respect of the services and purposes specified in column 2 of the Schedule.

Issue of Rs.
4,49,04,184
out of the
Consolidated
Fund of the
State of
Bombay for
the year
1954-55.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1955.

SCHEDULE.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
1	Land Revenue ..	7—Land Revenue ..	90	37,754	37,844
2	State Excise ..	8—State Excise ..	98,210	4,099	1,00,309
3	Forest ..	10—Forest ..	20	2,742	2,762
4	Registration ..	11—Registration ..	60,000	59	60,059

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, p. 69.

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consoli- dated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
5	Charges on account of Motor Vehicles Acts.	12—Charges on account of Motor Vehicles Acts.	68,000	49,000	1,17,000
6	Other Taxes and Duties.	13—Other Taxes and Duties.	3,24,000	....	3,24,000
7	Irrigation (including working expenses).	XVII—Deduct— Working expenses, 18, Other revenue expenditure finan- ced from ordinary revenues and 19, Construction of Irri- gation, Navigation, Embankment and Drainage Works.	68,01,680	....	68,01,680
8	General Administra- tion.	25—General Admini- stration.	230	....	230
9	Administration of Justice.	27—Administration of Justice.	150	30	180
10	Police ..	29—Police ..	150	1,640	1,790
11	Ports and Pilotage ..	30—Ports and Pilo- tage.	30	....	30
12	Scientific Depart- ments.	36—Scientific De- partments.	1,74,381	....	1,74,381
13	Education ..	37—Education ..	13,49,730	....	13,49,730
14	Medical ..	38—Medical ..	120	....	120
15	Public Health ..	39—Public Health ..	70	....	70
16	Agriculture ..	40—Agriculture ..	19,89,315	....	19,89,315
17	Veterinary ..	41—Veterinary ..	3,030	....	3,030
18	Co-operation ..	42—Co-operation ..	20	1,044	1,064
19	Industries ..	43—Industries ..	70	....	70
20	Labour ..	47—Miscellaneous Departments (La- bour).	10	....	10

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consoli- dated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
21	Miscellaneous Depart- ments (except Labour).	47—Miscellaneous Departments (except Labour).	56,96,070	104	56,96,174
22	Civil Works	50—Civil Works	280	30,010	30,290
23	Bombay Develop- ment Scheme.	51—Bombay Deve- lopment Scheme.	10	19	29
24	Multipurpose River Schemes.	51-B—Other Revenue Expenditure connec- ted with Multipur- pose River Schemes.	4,48,500	....	4,48,500
25	Electricity Schemes.	XLI—Receipts from Electricity Schemes Deduct Working expenses.	10	....	10
26	Other Revenue Expenditure connec- ted with Electricity Schemes.	52-A—Other Reve- nue Expenditure connected with Electricity Schemes.	10	....	10
27	Electricity Schemes.	53—Capital Outlay on Electricity Schemes.	10	....	10
28	Famine	54—Famine	....	1,25,01,198	1,25,01,198
29	Territorial and Political Pensions.	54-A—Territorial and Political Pensions.	30,300	....	30,300
30	Superannuation Allowances and Pensions.	55—Superannuation Allowances and Pensions.	2,20,000	50,000	2,70,000
31	Stationery and Printing.	56—Stationery and Printing.	10	....	10
32	Miscellaneous	57—Miscellaneous	17,43,058	1,73,257	19,16,315
33	Extraordinary Charges.	63—Extraordinary Charges.	140	....	140
34	Community Develop- ment Projects.	63-B—Community Development Pro- jects.	10	....	10

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
35	Civil Defence ..	64-B—Civil Defence	2,611	....	2,611
		Total expenditure on Revenue Account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	1,90,08,325	1,28,50,956	3,18,59,281
36	Irrigation ..	68—Construction of Irrigation, etc. Works.	150	....	150
37	Public Health ..	70—Capital Outlay on Improvement of Public Health.	20	....	20
38	Agricultural Improvement and Research.	71—Capital Outlay on Schemes of Agricultural Improvement and Research.	5,20,850	....	5,20,850
39	Industrial Development.	72—Capital Outlay on Industrial Development.	60,00,000	....	60,00,000
40	Bombay Development Scheme.	80—Bombay Development Scheme.	29,473	....	29,473
41	Civil Works ..	81—Capital Account of Civil Works outside the Revenue Account.	50	....	50
42	Electricity Schemes.	81-A—Capital Outlay on Electricity Schemes.	10	....	10
43	Housing of Displaced Persons and Milk Scheme.	82—Capital Account of other State Works outside the Revenue Account	50	16,07,969	16,08,019
44	Payments to Retrenched Personnel.	85—Payments to Retrenched Personnel.	5,00,000	....	5,00,000

SCHEDULE—*concl'd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
45	Schemes of State Trading.	85-A—Capital Outlay on State Schemes of Government Trading.	30	....	30
		Total—Capital Expenditure outside the Revenue Account.	70,50,633	16,07,969	86,58,602
46	Permanent Debt ..	Permanent Debt ..	....	42,07,643	42,07,643
47	Floating Debt ..	Floating Debt ..	....	16,488	16,488
48	Loans and Advances bearing interest.	Loans and Advances by State Government.	50	1,62,120	1,62,170
		Total Disbursement under Debt Heads.	50	43,86,251	43,86,301
		Grand Total ..	2,60,59,008	1,88,45,176	4,49,04,184

THE BOMBAY APPROPRIATION ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS

1. Short title.
2. Issue of Rs. 1,69,87,52,704 out of the Consolidated Fund of the State of Bombay for the year 1955-56.
3. Appropriation.

SCHEDULE

BOMBAY ACT No. IV OF 1955.¹

[THE BOMBAY APPROPRIATION ACT, 1955.]

[30th March 1955]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1956.

WHEREAS by virtue of article 204 of the Constitution of India it is necessary to provide for the passing of an Appropriation Act for the appropriation of sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1956 ; and for the purpose of authorising payment of the said sums ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Appropriation Act, 1955.

Short title.

2. From and out of the Consolidated Fund of the State of Bombay, there may be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rs. 1,69,87,52,704 towards defraying the several charges which will come in the course of payment during the year ending on the thirty-first day of March 1956, in respect of the services and purposes specified in column 2 of the Schedule to this Act.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1956.

SCHEDULE.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
1	Land Revenue ..	7, Land Revenue ..	2,48,43,280	....	2,48,43,280
2	State Excise ..	8, State Excise ..	35,26,700	....	35,26,700
3	Stamps ..	9, Stamps	6,20,000	....	6,20,000

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, pp. 84-85.

SCHEDULE—contd.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
4	Forest ..	10, Forest ..	1,58,70,800	38,000	1,59,03,800
5	Registration ..	11, Registration ..	16,50,000	....	16,50,000
6	Charges on account of Motor Vehicles Acts.	12, Charges on account of Motor Vehicles Acts.	18,40,300	2,14,19,300	2,32,59,600
7	Other Taxes and Duties.	13, Other Taxes and Duties.	51,65,200	1,42,22,800	1,93,88,000
8	Interest on works for which Capital accounts are kept—Irrigation Works.	17, Interest on works for which Capital accounts are kept—Irrigation Works.	....	1,68,65,000	1,68,65,000
9	Irrigation (including working expenses).	XVII—Deduct— Working expenses, 18, Other revenue expenditure financed from ordinary revenues and 19, Construction of Irrigation, Navigation, Embankment and Drainage Works.	4,00,54,000	....	4,00,54,000
10	Interest on debt and other obligations.	22, Interest on debt and other obligations.	....	3,11,84,000	3,11,84,000
11	Appropriation for reduction or avoidance of debt.	23, Appropriation for reduction or avoidance of debt.	....	3,51,41,000	3,51,41,000
12	General Administration.	25, General Administration.	5,44,14,200	9,83,480	5,53,97,680
13	Administration of Justice.	27, Administration of Justice.	1,84,97,140	21,32,300	2,06,29,440
14	Jails and Convict Settlements.	28, Jails and Convict Settlements.	97,40,700	....	97,40,700
15	Police ..	29, Police ..	9,26,59,850	....	9,26,59,850
16	Ports and Pilotage.	30, Ports and Pilotage.	35,23,000	....	35,23,000

SCHEDULE—contd.

Serial No.	Services and purposes	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
17	Dangs District ..	33-A, Dangs District..	48,12,000	....	48,12,000
18	Scientific Departments.	36, Scientific Departments.	7,35,000	....	7,35,000
19	Education ..	37, Education ..	15,79,88,600	....	15,79,88,600
20	Medical ..	38, Medical ..	3,88,71,300	....	3,88,71,300
21	Public Health ..	39, Public Health ..	3,61,33,890	....	3,61,33,890
22	Agriculture ..	40, Agriculture ..	5,22,92,120	....	5,22,92,120
23	Veterinary ..	41, Veterinary ..	32,87,000	....	32,87,000
24	Co-operation ..	42, Co-operation ..	1,23,49,000	....	1,23,49,000
25	Industries ..	43, Industries ..	1,23,36,500	....	1,23,36,500
26	Industries Development.	43-A, Capital Outlay on Industrial Development.	12,000	....	12,000
27	Miscellaneous Departments (except Labour).	47, Miscellaneous Departments.	1,95,83,320	....	1,95,83,320
28	Labour ..	47, Miscellaneous Departments.	28,25,000	....	28,25,000
29	Civil Works ..	50, Civil Works ..	9,66,51,680	4,41,900	9,70,93,580
30	Bombay Development Scheme.	51, Bombay Development Scheme.	21,68,000	....	21,68,000
31	Multipurpose River Schemes.	51-B, Other Revenue Expenditure connected with Multipurpose River Schemes.	31,000	....	31,000
32	Electricity Schemes.	XLI—Receipts from Electricity Schemes—Deduct—Working expenses.	1,38,000	....	1,38,000
33	Famine ...	54, Famine ...	7,53,000	12,00,000	19,53,000
34	Territorial and Political Pensions.	54-A, Territorial and Political Pensions.	78,000	.....	78,000

SCHEDULE—contd.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
35	Privy Purses and Allowances.	54-B, Privy Purses and Allowances of Indian Rulers.	16,60,000	.....	16,60,000
36	Superannuation Allowances and Pensions.	55, Superannuation Allowances and Pensions.	2,80,15,000	5,13,000	2,85,33,000
37	Stationery and Printing.	56, Stationery and Printing.	1,14,27,220	.....	1,14,27,220
38	Miscellaneous ...	57, Miscellaneous ...	3,69,62,300	.....	3,69,62,300
39	Extraordinary Charges.	63, Extraordinary Charges.	3,000	.....	3,000
40	Community Development Projects, National Extension Service and Local Development Works.	63-B, Community Development Projects, National Extension Service and Local Development Works.	2,33,37,000	.....	2,33,37,000
41	Civil Defence ...	64-B, Civil Defence ...	1,04,100	.....	1,04,100
		Total Expenditure on revenue account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	81,49,59,300	12,41,40,780	93,91,00,080
42	Irrigation ...	68, Construction of Irrigation, etc., Works.	13,12,21,824	.....	13,12,21,824
43	Public Health ...	70, Capital Outlay on Improvement of Public Health.	68,81,000	.....	68,81,000
44	Industrial Development.	72, Capital Outlay on Industrial Development.	2,14,12,000	.....	2,14,12,000
45	Bombay Development Scheme.	80, Bombay Development Scheme.	5,19,000	.....	5,19,000
46	Civil Works ...	81, Capital Account of Civil Works outside the Revenue Account.	3,89,96,000	.....	3,89,96,000

SCHEDULE—concl'd.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
47	Electricity Schemes.	81-A, Capital Outlay on Electricity Schemes.	4,01,25,000	.....	4,01,25,000
48	Housing of Displaced Persons and Milk Scheme.	82, Capital Account of other State Works outside the Revenue Account.	2,22,72,200	.....	2,22,72,200
49	Payments of Computed value of Pensions.	83, Payments of Computed Value of Pensions.	9,40,000	.....	9,40,000
50	Payments to retrenched Personnel.	85, Payments to Retrenched Personnel.	5,00,000	.....	5,00,000
51	Schemes of State Trading.	85-A, Capital Outlay on State Schemes of State Trading.	29,42,99,600	34,000	29,43,33,600
		Total—Capital Expenditure outside the Revenue Account.	55,71,66,624	34,000	55,72,00,624
52	Permanent Debt...	Permanent Debt ...	.....	3,29,80,000	3,29,80,000
53	Loans from the Central Government.	Loans from the Central Government.	.....	1,50,37,000	1,50,37,000
54	Loans and Advances bearing interest.	Loans and Advances by State Government.	15,42,91,000	1,44,000	15,44,35,000
		Total Disbursement under Debt Heads.	15,42,91,000	4,81,61,000	20,24,52,000
		Grand Total ..	1,52,64,16,924	17,23,35,780	1,69,87,52,704

THE BOMBAY APPROPRIATION (EXCESS EXPENDITURE) ACT, 1955.

CONTENTS.

PREAMBLE

SECTIONS

- 1 Short title.
- 2 Issue of Rs. 11,60,21,713 out of the Consolidated Fund of the State of Bombay for the year 1950-51.
- 3 Appropriation.

SCHEDULE

BOMBAY ACT No. XI OF 1955.

[THE BOMBAY APPROPRIATION (EXCESS EXPENDITURE)
ACT, 1955.]

[9th April 1955.]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the Service of the year ending on the thirty-first day of March 1951.

WHEREAS by virtue of Article 205 of the Constitution of India, read with Article 204 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1951, and for the purpose of authorising the expenditure of the said sums; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Appropriation (Excess Expenditure) Short title, Act, 1955.

2. From and out of the Consolidated Fund of the State of Bombay, there may be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rs. 11,60,21,713 towards defraying the several charges which have come in course of payment during the year ending on the thirty-first day of March 1951, in respect of the services and purposes specified in column 2 of the Schedule.

Issue of Rs.
11,60,21,713
out of the
Consolidated
Fund of the
State of
Bombay for
the year
1950-51.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1951.

SCHEDULE.

Serial No.	Services and purposes.	Heads of Account.	Sums not exceeding		Total.
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	
1	2	3	4		
			Rs.	Rs.	Rs.
1	Forest	10, Forest	....	338	338
2	Registration	11, Registration	1,682	....	1,682
3	Other Taxes and Duties	13, Other Taxes and Duties.	....	1,15,210	1,15,210
4	Appropriation for reduction or avoidance of Debt.	23, Appropriation for reduction or avoidance of Debt.	....	15,80,389	15,80,389
5	General Administration	25, General Administration.	14,36,532	....	14,36,532
6	Administration of Justice	27, Administration of Justice.	7,73,166	....	7,73,166

¹For Statement of Objects and Reasons, see *Bombay Government-Gazette*, 1955, Part V, p. 74.

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Account.	Sums not exceeding.		Total.
			Voted by the Legislative Assembly.	Charged on the Consoli- dated Fund.	
1	2	3	4		
			Rs.	Rs.	Rs.
7	Ports and Pilotage	.. 30, Ports and Pilotage.	1,323	....	1,323
8	Dangs	.. 33-A, Dangs District ..	4,10,279	....	4,10,279
9	Public Health	.. 39, Public Health ..	9,07,751	....	9,07,751
10	Superannuation Allowances and Pensions.	55, Superannuation Allowances and Pensions.	2,06,876	....	2,06,876
11	Miscellaneous	.. 57, Miscellaneous ..	1,81,624	33	1,81,657
Total expenditure on Revenue Account (including Revenue Expenditure and Capital Expenditure within Revenue Account).			39,19,233	16,95,970	56,15,203
12	Civil Works	.. 81, Capital Account of Civil Works outside the Revenue Account.	1,40,979	....	1,40,979
13	Electricity Schemes	.. 81-A, Capital Outlay on Electricity Schemes.	5,20,245	....	5,20,245
14	Payment of Commuted value of Pensions.	83, Payments of Com- muted value of Pensions.	43,902	....	43,902
15	State Schemes connected with State Trading.	85-A, Capital Outlay on State Schemes of State Trading.	10,81,21,206	....	10,81,21,206
Total Capital expenditure outside the Revenue Account.			10,88,26,332	....	10,88,26,332
16	Loans from the Central Government.	Loans from the Central Government.	....	15,80,178	15,80,178
Total disbursement under Debt Heads			....	15,80,178	15,80,178
Grand Total			.. 11,27,45,565	32,76,148	11,60,21,713

THE PROVINCIAL SMALL CAUSE COURTS (SUITS VALIDATION) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Definitions.
3. Validation of certain suits, proceedings, etc.

BOMBAY ACT No. XVI OF 1955.¹

[THE PROVINCIAL SMALL CAUSE COURTS (SUITS VALIDATION) ACT, 1955.]

[14th April 1955]

An Act to validate certain suits and proceedings in the Small Cause Court established under the Provincial Small Cause Courts Act, 1887.

WHEREAS it is necessary to validate certain suits and proceedings in certain Courts of Small Causes established in the State under the Provincial Small Cause Courts Act, 1887 ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Provincial Small Cause Courts (Suits Validation) Short title. Act, 1955.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

IX of 1887. (1) " principal Act " means the Provincial Small Cause Courts Act, 1887, as amended in its application to the State of Bombay ;

(2) " Small Cause Court " means a Court of Small Causes established under the principal Act ;

(3) " special jurisdiction suit " means a suit of civil nature, the value of which exceeds Rs. 1,000 but does not exceed Rs. 2,000 ;

(4) " proceedings " includes proceedings in execution of decrees or orders passed in special jurisdiction suits or in applications for revision of the said decrees or orders.

Bom. LVII of 1950. 3. (1) Notwithstanding anything contained in sub-section (3) of section 15 of Validation of the principal Act, all special jurisdiction suits the cognizance of which was taken after the commencement of the Provincial Small Cause Courts (Bombay Amendment) Act, 1950, but before the 25th day of February 1955 by the Small Cause Courts shall be deemed, and always to have been deemed, to be taken cognizance of, tried or disposed of, validly and notwithstanding the fact that on the date on which the cognizance of such suits was taken, no order was made by the State Government directing that such suits shall be taken cognizance of by such Courts. All proceedings held, and judgments, decrees or orders passed, in such suits shall not be deemed to be invalid only on the ground that on the said date the State Government had not made such order.

(2) Nothing contained in sub-section (1) shall affect any judgment, decree or order declaring before the 25th day of February 1955 that such Courts were incompetent to take cognizance of such suits.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, p. 78.

**THE BOMBAY JUDICIAL PROCEEDINGS (REGULATION OF REPORTS)
ACT, 1955.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Restrictions on publication of reports of judicial proceedings.
4. Penalty.
5. Jurisdiction to try offences.
6. Previous sanction.
7. Forfeiture and seizure of newspaper, etc., under section 99A of Criminal Procedure Code.
8. Operation of other laws.

SCHEDULE.

BOMBAY ACT No. XVIII OF 1955.¹

[THE BOMBAY JUDICIAL PROCEEDINGS (REGULATION OF REPORTS)
ACT, 1955.]

[6th May 1955]

An Act to regulate the publication of reports of judicial proceedings.

WHEREAS it is necessary to regulate the publication of reports of judicial proceedings, so as to prevent the publication of obscene or indecent matter and other matters, the publication of which will not be in the public interest ; It is hereby enacted in the Sixth Year of the Republic of India, as follows :—

1. (1) This Act may be called the Bombay Judicial Proceedings (Regulation of Reports) Act, 1955.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the State of Bombay.

(3) It shall come into force on such date as the State Government by notification in the *Official Gazette* appoints.

2. In this Act, unless the context otherwise requires :—

Definitions.

(a) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language and every sheet of music, map, chart or plan separately printed or lithographed or otherwise mechanically produced ;

(b) "document" includes any painting, drawing or photograph or other visible representation ;

(c) "judicial proceedings" includes any proceeding in the course of which evidence is or may be legally taken on oath ;

(d) "matrimonial matter" means any proceedings for dissolution or nullity of marriage, or for judicial separation, or for restitution of conjugal rights ;

(e) "newspaper" means any periodical work containing public news or comments on public news.

3. No person shall print or publish or cause to be printed or published,—

Restrictions
on publica-
tion of
reports of
judicial
proceedings.

(a) in respect of any judicial proceedings, any indecent or obscene matter, or any indecent or obscene details whether medical, surgical or physiological, which would be calculated to injure the public morals ;

(b) in respect of any matrimonial matter or any judicial proceedings in connection with the offence under section 497 of the Indian Penal Code, any particulars other than the following, that is to say :—

(1) the names of the parties ; and

(2) the order of the Court ;

CLV
f
360.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, p. 3.
MO-B Bk 1791 H—3

(c) in respect of any judicial proceedings in connection with an offence under section 354, 366, 366A, 366B, 376, 377, or 498 of the Indian Penal Code, any particulars other than the following, that is to say :—

XLV
of
1860.

(1) the name, occupation and address of the accused ; and

(2) the order of the Court, without disclosing the identity of, or giving any particulars calculated to lead to the identification of, any person who may have been a victim of the offence :

Provided that nothing in this section shall apply to the printing of any pleading, transcript of evidence or other document for use in connection with any judicial proceedings or the communication thereof to persons concerned in the proceedings or to the printing or publishing of any notice or report in pursuance of the directions of the Court or to the printing or publishing of any matter in a separate volume or part of any *bona fide* series of law reports or in any publication of a technical character *bona fide* intended for circulation among members of the legal or medical professions.

Penalty. 4. Whoever contravenes the provisions of this Act shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both ; and any newspaper, book or document (including all copies thereof) in respect of which an offence has been committed shall also be liable to be forfeited to the State Government.

Jurisdiction to try offences. 5. No Court inferior to that of the Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act.

Previous sanction. 6. No Court shall take cognisance of an offence under this Act except with the previous sanction of the State Government.

Forfeiture and seizure of newspaper, etc., under section 99A of Criminal Procedure Code. 7. The provisions of section 99A of the Code of Criminal Procedure, 1898, ^{v of 1898.} are hereby amended as specified in the Schedule to this Act and the provisions of the said section as amended shall, notwithstanding anything contained in section 4, apply in respect of any newspaper, book or document, which appears to the State Government to contain any matter in contravention of the provisions of this Act.

Operation of other laws. 8. Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other law for any act which is an offence under this Act.

SCHEDULE.

(See section 7.)

In section 99A of the Code of Criminal Procedure, 1898, after the words “ appears ^{v of 1898.} to the State Government to contain ” the words “ in respect of any judicial proceedings any indecent or obscene matter or any indecent or obscene details, whether medical, surgical or physiological, which would be calculated to injure the public morals, or ” shall be inserted.

THE BOMBAY BHIL NAIK INAMS ABOLITION ACT, 1955.

CONTENTS.**PREAMBLE.****SECTIONS.**

1. Short title, extent and commencement.
2. Definitions.
3. Act not to apply to certain inams.
4. Abolition of Bhil Naik Inams and resumption of inam villages and lands.
5. Occupancy rights in respect of lands in inam villages and inam lands.
6. Uncultivated and waste lands and all property of the nature specified in section 37 of the Code vests in Government.
7. Method of compensation for abolition, etc. of other rights in lands.
8. Court-fees.
9. Finality of award of Collector and decision of Revenue Tribunal.
10. Inquiries and proceedings to be judicial proceedings.
11. Amount of compensation to be payable in transferable lands.
12. Provisions of Bom. LXVII of 1948 to govern relations of landlord and tenants.
13. Rules.
14. Saving.

BOMBAY ACT No. XXI OF 1955.¹

[THE BOMBAY BHIL NAIK INAMS ABOLITION ACT, 1955.]

[3rd June 1955]

An Act to abolish Bhil Naik Inams prevailing in the districts of West Khandesh and Nasik in the State of Bombay.

WHEREAS it is necessary and expedient in the public interest to abolish the Bhil Naik Inams held for service useful to Government on political considerations in the districts of West Khandesh and Nasik in the State of Bombay and to provide for other incidental and consequential matters hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Bhil Naik Inams Abolition Act, Short title,
extent and
commence-
ment.
1955.

(2) It extends to the districts of West Khandesh and Nasik in the State of Bombay.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

2. (1) In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(i) “appointed date” means the date on which this Act comes into force ;

(ii) “Bhil Naik Inam” means the grant of a village or land for service useful to Government on political considerations in accordance with the terms and conditions specified in Government Resolution in the Revenue Department, No. 5763, dated the 19th August 1902 and entered in the alienation register kept under section 53 of the Code as “Class VI—Village servants useful to Government” and includes the land granted in Marod village of Navapur taluka under Government order in the Revenue Department No. 288, dated the 11th January 1919 ;

Bom.
V of
1879.

(iii) “Code” means the Bombay Land Revenue Code, 1879 ;

(iv) “Collector” includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;

(v) “inamdar” means a holder of a Bhil Naik Inam ;

(vi) “inam village” or “inam land” means a village or land, as the case may be, held by an inamdar under a Bhil Naik Inam ;

(vii) “prescribed” means prescribed by rules made under this Act.

(2) The other words and expressions used but not defined in this Act shall have the meanings assigned to them in the Code.

3. Nothing in this Act shall apply to—

(i) devasthan inams or inams held for religious or charitable institutions ; and Act not to
apply to
certain
inams.

(ii) inams other than Bhil Naik Inams held for service useful to Government in an inam village or inam land.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, pp. 28-29.

Abolition of
Bhil Naik
Inams and
resumption
of inam
villages and
lands.

4. Notwithstanding any settlement, grant, sanad or order or any law for the time being in force, with effect from and on the appointed date—

(1) all Bhil Naik Inams shall be deemed to have been abolished, and

(2) any liability to render service and all other incidents appertaining to such inams are hereby extinguished.

(3) All inam villages and inam lands are hereby resumed and shall be deemed to be subject to the payment of land revenue under the provisions of the Code and the rules made thereunder and the provisions of the Code and the rules relating to unalienated lands shall apply to such lands.

Occupancy
rights in
respect of
lands in
inam
villages and
inam lands.

5. (1) In an inam village and inam land—

(i) in the case of land which is not uncultivated on the appointed date and is in the actual possession of an inamdar or in the possession of a person holding through or from him other than an inferior holder referred to in clause (b) below, such inamdar, and

(ii) in the case of land, which is not uncultivated on the appointed date and is in the possession of an inferior holder on payment of annual assessment only to the inamdar, such inferior holder,

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land and shall be entitled to all the rights and shall be liable to all obligations in respect of such land as an occupant under the Code or the rules made thereunder or any other law for the time being in force :

Provided that the inamdar, in respect of the land which is in the possession of a person holding through or from him and the inferior holder in respect of the land in his possession shall be entitled to the rights of an occupant on payment to the State Government of such occupancy price as may be fixed by the State Government by special or general order but not exceeding an amount equal to six times the amount of the full assessment of such land within the prescribed period.

(2) If the inamdar or the inferior holder fails to pay the occupancy price within the prescribed period he shall be deemed to be unauthorizedly occupying the land and shall be liable to be summarily ejected in accordance with the provisions of the Code.

(3) The occupancy of the land granted under this section shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may, by general or special order, determine.

Explanation.—For the purposes of this section and section 6, land shall be deemed to be uncultivated if it has not been cultivated for a continuous period of three years immediately before the appointed date.

Uncultivated
and waste
lands and all
property
of the nature
specified in
section 37
of the Code
vests in
Government.

6. For the removal of doubt it is hereby declared that all uncultivated and waste lands, whether assessed or unassessed, in an inam village or inam land and all other kinds of property referred to in section 37 of the Code situate in an inam village or inam land, which are not the property of the individuals or of any aggregate of persons legally capable of holding property and except in so far as any rights of such persons may be established in or over the same and except as may be otherwise provided in any law for the time being in force, are, together with all

rights in and over the same or appertaining thereto, the property of the State Government and it shall be lawful to dispose of or set apart the same by the authority and for the purpose provided in section 37 or 38 of the Code, as the case may be.

7. (1) If any person is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to, or interest in, property such person may apply to the Collector for compensation.

Method of compensation for abolition, etc. of other rights in land.

I of
1894.

(2) An application under sub-section (1) shall be made to the Collector in a prescribed form within six months from the appointed date. The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining the compensation in the manner and according to the method provided for in sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894.

(3) Nothing in this section shall entitle any person to compensation on the ground that any land, which was wholly or partially exempt from the payment of land revenue, has been under the provisions of this Act made subject to the payment of full assessment in accordance with the provisions of the Code.

Bom.
XII
of
1939.

(4) Any person aggrieved by the award of the Collector made under sub-section (2) may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, within 60 days from the date of the award.

V of
1908.

(5) In deciding appeals under sub-section (4), the Bombay Revenue Tribunal shall exercise all the powers which a Court has and follow the same procedure which the Court follows in deciding appeals from the decree or order of an original Court, under the Code of Civil Procedure, 1908.

IX of
1908.

(6) In computing the period for filing appeals the provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the appeals made under this section.

VII of
1870.

8. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

Court-fees.

9. The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any court.

Finality of award of Collector and decision of Revenue Tribunal.

XLV
of
1860.

10. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

Inquiries and proceedings to be judicial proceedings.

11. The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

Amount of compensation to be payable in transferable bonds.

Provisions of Bom. LXVII of 1948 to govern relations of landlord and tenants. 12. Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, Bom. LXVII to any inam village or inam land or the mutual rights and obligations of a holder of and his tenants, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act. 1948.

Rules. 13. The State Government may, subject to the condition of previous publication, make rules for the purpose of carrying out the provisions of this Act. Such rules shall when finally made be published in the *Official Gazette*.

Saving. 14. Nothing in this Act shall be deemed to affect,—
(a) any obligation or liability already incurred before the appointed date ;
or
(b) any proceeding or remedy in respect of such obligation or liability ;
and any such proceeding or remedy may be instituted, continued or enforced as if this Act had not been passed.

**THE BOMBAY MERGED TERRITORIES MISCELLANEOUS ALIENATIONS
ABOLITION ACT, 1955.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Act not to apply to certain kinds of alienations.
4. Abolition of alienations and rights and incidents in respect thereof.
5. Liability of alienated lands to payment of land revenue.
6. Occupancy rights in respect of alienated lands held under community service inam.
7. Occupancy rights in respect of lands held under watan.
8. What persons to be occupants in Wanta or Giras.
9. Occupancy rights in respect of alienated land to which section 6, 7 or 8 does not apply.
10. Effect of failure to pay occupancy price.
11. All public roads, etc. situate in alienated land to vest in Government.
12. Rights to trees.
13. Right to mines or mineral products.
14. Compensation in respect of alienation consisting of assignment of land revenue.
15. Compensation in respect of allowances in cash or kind.
16. Compensation in respect of property referred to in section 11.
17. Method of awarding compensation to alienee.
18. Method of awarding compensation for abolition, etc., of rights of other person in property.
19. Provisions of Land Acquisition Act, 1894, applicable to award.
20. Appeal against Collector's award.
21. Procedure before Revenue Tribunal.

SECTIONS.

22. Limitation.
23. Court-fees.
24. Finality of award and decision of Revenue Tribunal.
25. Inquiries and proceedings to be judicial proceedings.
26. Amount of compensation to be payable in transferable bonds.
27. Alienees to deliver records to authorized officers.
28. Provisions of Bom. LXVII of 1948 to govern the relations of Landlord and tenants.
29. Rules.
30. Saving.

SCHEDULE.

BOMBAY ACT No. XXII OF 1955.¹

[THE BOMBAY MERGED TERRITORIES MISCELLANEOUS ALIENATIONS ABOLITION ACT, 1955.]

[3rd June 1955]

An Act to abolish miscellaneous alienations of various kinds prevailing in the merged territories in the State of Bombay.

WHEREAS certain kinds of alienations prevailing in the merged territories and merged areas have been abolished ;

AND WHEREAS it is expedient in the public interest to abolish the remaining alienations of miscellaneous character prevailing in the merged territories and to provide for matters consequential and incidental thereto ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

CHAPTER I.

Preliminary.

1. (1) This Act may be called the Bombay Merged Territories **Miscellaneous** Short title
Alienations Abolition Act, 1955. extent and

(2) It extends to the merged territories in the State of Bombay. commence-

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

2. (1) In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(i) " alienation " means a grant or recognition as a grant,—

(I) of a village, portion of a village or land to any person, whether such grant be of soil with or without exemption from payment of land revenue or of assignment of the whole or a share of land revenue thereof,

(II) of total or partial exemption from payment of land revenue to a person in respect of any land held by him, or

(III) of cash allowance or allowance in kind to any person by whatever name called,

by the ruling authority for the time being before merger or by the State Government after merger, and includes,—

(a) any total or partial exemption from payment of land revenue reserved to himself or enjoyed by a ruler of a former Indian State in respect of any land held by him in his own State before merger as his private property, and

(b) Wanta and Giras rights in land or to cash allowances regulated by the rules published under Huzur Cutcherry Notification No. T-3/80 of 1946-47, dated the 24th March 1947 (hereinafter referred to as the Baroda Giras Rules) ;

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, p. 350.

(ii) "alienated land" means a village or portion of a village or land, as the case may be, held by an alienee under an alienation ;

(iii) "alienee" means the holder of an alienation and includes his co-sharer recognized as such for the purpose of such alienation ;

(iv) "appointed date" means the date on which this Act comes into force ;

(v) "Barkhali land" in relation to a Wanta or Giras means land held as Jiwai, Jat Dharmadaya, Devasthan, Pirasthan, Vechania, Gharania, Pasaita Chakariat, Dharmadaya Chakariat, Jat Pasaita, Kanyadan or Bathamania and treated as permanent alienations or settled under the Baroda Giras Rules ;

(vi) "Code" means the Bombay Land Revenue Code, 1879 ;

(vii) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;

Bom.
V of
1879.

(viii) "Community service inam" means an alienation held for the purpose of performing service useful to the village community and includes an alienation held for such service even where such service has ceased to be demanded ;

(ix) "Commutation settlement" means a settlement made or confirmed under the law applicable to a watan relieving the holder, his heirs and successors of the liability to perform the services appertaining to the watan ;

(x) "Girassia" means the holder of a Wanta or Giras ;

(xi) "inferior holder" means a person who is in possession of an alienated land not on payment of rent but on payment of assessment in cash or kind to the alienee and includes a person holding such land through or from such person ;

(xii) "merger" means the cession by the Ruler of a former Indian State of full and exclusive jurisdiction and powers for and in relation to the governance of such State and the transfer of the administration of such State to the State of Bombay under section 290A of the Government of India Act, 1935 ;

26 Geo.
5 Ch 2.

(xiii) "permanent tenant" in relation to a Wanta or Giras means the holder of a Wanta or Giras land or Jiwai land who has a permanent tenancy in such land ;

(xiv) "prescribed" means prescribed by rules made under this Act ;

(xv) "Wanta" or "Giras" means land held as Wanta or Giras by a Girassia in accordance with the provisions of the Baroda Giras Rules ;

(xvi) "watan" means an alienation held as watan appertaining to the office of a village accountant commonly known as Kulkarni or known by any other similar name or as watan appertaining to the office of a District (paragana) Officer commonly known as Sardeshmukh, Deshmukh, Deshpande or Desai or known by any other similar name, whether any commutation settlement in respect of such watan has or has not been effected.

(2) The other words or expressions used but not defined in this Act shall have the meanings assigned to them in the Code.

(3) References in this Act to the incidents of alienations shall, notwithstanding the abolition of the alienations by this Act, be construed as references to the incidents as they were in force immediately before the appointed date.

(4) If any question arises—

- (i) whether any land is an alienation,
- (ii) whether any alienation is a grant of soil or an assignment of land revenue or both or is a grant of total or partial exemption from payment of land revenue,
- (iii) whether any alienation is a community service inam or watan,
- (iv) whether a commutation settlement in respect of any watan has or has not been effected,
- (v) whether any land held under an alienation is or is not alienable without the permission of a competent authority,
- (vi) whether any alienation is hereditary or for the life-time of the alienee, or
- (vii) whether any person is an inferior holder or a permanent tenant,

the State Government shall decide the question and such decision shall be final :

Provided that the State Government may authorize any officer to decide questions arising under any of the clauses (i), (ii), (iii), (iv), (v), (vi) and (vii) and subject to an appeal to the State Government, the decision of such officer shall be final.

3. (1) Nothing in this Act shall apply to—

- (a) Devasthan inams or inams held by religious or charitable institutions ;
- (b) alienations held for service useful to Government other than watan ;
- (c) any pension granted to an ex servant of a former Indian State in consideration of the service rendered by him to such state ;
- (d) revenue-free sites granted by the ruling authority for the time being before merger for the construction of schools, colleges, hospitals, dispensaries, religious or charitable institutions or other public works from which no profit is intended to be derived ;
- (e) the sums payable under the rules for the settlement of the saranjams of the Feudatory Jagirdars of Kolhapur published in Government Notification in the Political and Services Department No. FCK. 1053, dated the 19th April 1954 ;
- (f) the land tenure to which the provisions of any of the enactments specified in the Schedule apply ;

Act not to
apply to
certain kinds
of alienations.

(2) Where an alienation is held jointly for service appertaining to a watan and for any other service useful to Government then for the purposes of this Act, the State Government shall, after holding such inquiry as it may think fit, decide what portion of such alienation shall be deemed to be an alienation held for service appertaining to a watan and what portion thereof shall be deemed to be an alienation held for any other service useful to Government.

CHAPTER II.

Abolition of alienations and conferment of occupancy rights.

4. Notwithstanding anything contained in any usage, settlement, grant, agreement, sanad, order, rule, notification or Vat Hukum or any decree or order of a Court or any law for the time being applicable to any alienation in the merged territories, with effect from and on the appointed date—

Abolition of
alienations
and rights
and incidents
in respect
thereof.

- (i) all alienations shall be deemed to have been abolished ;

(ii) save as expressly provided by or under this Act all rights legally subsisting on the said date in respect of such alienations and all other incidents of such alienations shall be deemed to have been extinguished.

Liability of alienated lands to payment of land revenue.

5. Subject to the other provisions of this Act all alienated lands are and shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder and the provisions of the Code and rules relating to unalienated lands shall apply to such lands.

Occupancy rights in respect of alienated lands held under community service inam.

6. In the case of an alienated land held under a community service inam—

(a) if such land is in the actual possession of the alienee or in possession of a person holding through or from him other than an inferior holder, such alienee, and

(b) if such land is in the possession of an inferior holder, such inferior holder,

shall be primarily liable to the State Government for the payment of land revenue due in respect of the land held by him and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or the rules made thereunder :

Provided that if under the terms of the alienation such land is resumable for non-performance of service, the alienee or inferior holder, as the case may be, shall be entitled to the rights of an occupant in respect of such land on payment to the State Government of the occupancy price equal to six times the amount of the full assessment of such land within the prescribed period :

Provided further that if such land under the terms of alienation was not alienable except with the permission of a competent authority, such land shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

Occupancy rights in respect of lands held under watan.

7. All land held under a watan is hereby resumed and shall be regranted to the holder in accordance with the following provisions, namely :—

(1) in the case of a watan, if the commutation settlement permits the transfer of the land appertaining to such watan, the land shall be regranted to the holder without payment of any occupancy price ;

(2) in the case of a watan, to which clause (1) does not apply, the land appertaining to the watan shall be regranted to the holder on payment of the occupancy price equal to twelve times the amount of the full assessment of such land within the prescribed period :

Provided that in respect of the land held under a watan which has not been assigned towards the emoluments of the person performing the service appertaining to the watan, occupancy price equal to six times the amount of the full assessment of such land shall be paid by the holder within the aforesaid period for its regrant ;

(3) the occupancy of the land regranted under clause (2) shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

Explanation.—For the purpose of this section, the expression “holder” shall include—

(1) an alienee holding land under a watan, and

(2) in the case of a watan the commutation settlement in respect of which permits the transfer of the land appertaining to the watan, a person in whom the ownership of such land for the time being vests.

8. (1) In a Wanta or Giras,—

(i) in the case of land other than Barkhali land,—

(a) if such land is in the actual possession of the Girassia or in the possession of a person other than a permanent tenant, holding through or from the Girassia, such Girassia, and

(b) if such land is in the possession of a permanent tenant, such permanent tenant,

(ii) in the case of Barkhali land, held as Jiwai land,—

(a) if such land is in the actual possession of the holder thereof (hereinafter referred to as the Jiwaitdar) or in the possession of a person other than a permanent tenant holding through or from the Jiwaitdar, such Jiwaitdar, and

(b) if such land is in the possession of a permanent tenant, such permanent tenant, and

(iii) in the case of any other Barkhali land other than Devasthan and Pirasthan land or land held for service useful to Government, the holder of such land,

shall be primarily liable to the State Government for the payment of land revenue due in respect of the land held by him and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or the rules made thereunder :

Provided that in the case of the land referred to in sub-clause (b) of clause (i) and sub-clause (b) of clause (ii), the permanent tenant shall be entitled to the rights of an occupant on payment in the prescribed manner to the Girassia or Jiwaitdar, as the case may be, of the occupancy price equivalent to six times the amount of the full assessment of such land :

Provided further that in the case of Barkhali land referred to in clause (iii), if such land was held as Dharmadaya Chakariat or Pasaita Chakariat and was not a permanent alienation within the meaning of the Baroda Giras Rules, the holder of such land shall be entitled to the rights of an occupant on payment to the State Government of the occupancy price equivalent to six times the amount of the full assessment of such land.

(2) The occupancy of land conferred on the holder of a Dharmadaya Chakariat or Pasaita Chakariat land which was not a permanent alienation within the meaning of the Baroda Giras Rules shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

What persons
to be
occupants
in Wanta or
Giras.

Occupancy rights in respect of alienated land to which section 6, 7 or 8 does not apply.

9. In the case of an alienated land to which the provisions of section 6, 7 or 8 do not apply,

(a) if such land is in the actual possession of the alienee or is in the possession of a person holding through or from him other than an inferior holder, such alienee, and

(b) if such land is in the possession of an inferior holder, such inferior holder,

shall be primarily liable to the State Government for the payment of land revenue due in respect of the land held by him and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or the rules made thereunder :

Provided that if in respect of an alienated land the alienation consists of the grant of the soil with or without exemption from payment of land revenue, the alienee or the inferior holder, as the case may be, shall be entitled to the rights of an occupant in respect of such land on payment to the State Government of the occupancy price equal to six times the amount of the full assessment of such land within the prescribed period :

Provided further that if under the terms of the alienation such land was not alienable except with the permission of a competent authority, the occupancy of the land shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

Effect of failure to pay occupancy price.

10. (1) If any person, who is liable to pay to the State Government the occupancy price in respect of any land under section 6, 7, 8 or 9, fails to pay the same within the prescribed period, he shall be deemed to be unauthorizedly occupying the land and shall be liable to be summarily ejected in accordance with the provisions of the Code.

(2) If any person, who is liable to pay to the Girassia or Jiwaitdar, as the case may be, the occupancy price in respect of any land under section 8, fails to pay the same within the prescribed period, it shall be recoverable as an arrear of land revenue and the amount so recovered shall be paid to the Girassia or Jiwaitdar, as the case may be.

All public roads, etc., situate in alienated land to vest in Government.

11. All public roads, lanes and paths, the bridges, ditches, dikes and fences, on, or beside, the same, the bed of the sea and of harbours, creeks below high water mark, and of rivers, streams, nallas, lakes, wells and tanks, and all canals, and water courses, and all standing and flowing water, and all unbuilt village site lands, all waste lands and all uncultivated lands (excluding lands used for building or other non-agricultural purposes) which are situate within the limits of any alienated land shall, except in so far as any rights of any person other than the alienee may be established in or over the same and except as may otherwise be provided by any law for the time being in force, vest in, and shall be deemed to be with all rights in or over the same or appertaining thereto the property of, the State Government and all rights held by an alienee in such property shall be deemed to have been extinguished and it shall be lawful for the Collector, subject to the general or special orders of the State Government, to dispose them of as he deems fit, subject always to the rights of way and other rights of the public or of individuals legally subsisting.

Explanation.—For the purposes of this section, land shall be deemed to be uncultivated if it has not been cultivated for a continuous period of three years immediately before the appointed date.

XVI of 1927. 12. The rights to trees specially reserved under the Indian Forest Act, 1927, or Rights to any other law for the time being in force, except those the ownership of which has been transferred by the State Government under any contract, grant or law for the time being in force shall vest in the State Government and nothing in this Act shall in any way affect the rights of the State Government to apply the provisions of the Indian Forest Act, 1927, as in force in the State of Bombay to forests in an alienated land.

13. Nothing in this Act or any other law for the time being in force shall be deemed to affect the rights of any alienee subsisting on the appointed date to mines or mineral products in alienated land granted or recognised under any contract, grant or law for the time being in force or by custom or usage.

CHAPTER III.

Compensation and Award thereof.

14. (1) In the case of an alienation consisting of assignment of the whole or part of the land revenue of any land or village—

(i) if the alienation was continuable as hereditary without being subjected to any deduction or cut at the time of each succession, a sum equal to seven times the amount of such land revenue,

(ii) if the alienation was continuable as hereditary but subject to a deduction or cut at the time of each succession, a sum equal to five times the amount of such land revenue, and

(iii) if the alienation was continuable for the life time of the alienee, a sum equal to three times the amount of such land revenue,

shall be paid to the alienee as compensation for the abolition of the alienation.

(2) For the purpose of sub-section (1), the amount of land revenue shall be the amount received or due to the alienee on account of assignment of land revenue for the year immediately preceding the appointed date.

15. (1) In the case of an alienation consisting of a cash allowance or allowance in kind, the alienee shall be paid—

(i) seven times the amount of the cash allowance or of the value of the allowance in kind, as the case may be, if the alienation was hereditary without being subjected to deduction or cut at the time of each succession;

(ii) five times the amount of the cash allowance or the value of the allowance in kind, as the case may be, if the alienation was hereditary but subject to a deduction or cut at the time of each succession; or

(iii) three times the amount of cash allowance or the value of the allowance in kind, as the case may be, if the alienation was continuable for the life-time of the alienee :

Provided that if under the terms of a grant any such cash allowance or allowance in kind was received by a widow for the purpose of her maintenance, it shall be continued to such widow for her life-time.

(2) For the purpose of sub-section (1), the amount of cash allowance shall be the amount paid or payable to the alienee for the year immediately preceding the appointed date and the value of the allowance in kind shall be the value of the allowance in kind paid or payable to the alienee for the year immediately preceding the appointed date, such value being determined in the prescribed manner.

Compensation in respect of property referred to in section 11.

16. Any alienee having any right or interest in any property referred to in section 11 shall, if he proves to the satisfaction of the Collector that he had any such right or interest, be entitled to compensation in the following manner, namely:—

(i) if the property in question is waste or uncultivated but is cultivable land, the amount of compensation shall not exceed three times the assessment of the land:

Provided that if the land has not been assessed, the amount of compensation shall not exceed such amount of assessment as would be leviable in the same village on the same extent of similar land used for the same purpose;

(ii) if the property in question is land over which the public has been enjoying or has acquired a right of way or any individual has any right of easement, the amount of compensation shall not exceed the amount of the annual assessment leviable in the village for uncultivated land in accordance with the rules made under the Code or if such rules do not provide for the levy of such assessment, such amount as in the opinion of the Collector shall be the market value of the right or interest held by the claimant;

(iii) if there are any trees or structures on the land, the amount of compensation shall be the market value of such trees or structures, as the case may be.

Explanation.—For the purposes of this section, the “market value” shall mean the value as estimated in accordance with the provisions of sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894, in so far as the said provisions may be applicable. 1 of 1894.

Method of awarding compensation to alienee.

17. (1) Any alienee entitled to compensation under section 14, 15 or 16 shall within the prescribed period apply in writing to the Collector for determining the amount of compensation payable to him under the said section.

(2) On receipt of an application under sub-section (1), the Collector shall after making formal enquiry in the manner provided by the Code, make an award determining the amount of compensation. Where there are co-sharers claiming compensation, the Collector shall by his award apportion the compensation between the co-sharers.

Method of awarding compensation for abolition, etc., of rights of other person in property.

18. (1) If any person is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to, or interest in, property and if compensation for such abolition, extinguishment or modification has not been provided for in the provisions of this Act, such person may apply to the Collector for compensation.

I of
1894. (2) The application under sub-section (1) shall be made to the Collector in the prescribed form within the prescribed period. The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining the compensation in the manner and according to the method provided for in sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894.

(3) Nothing in this section shall entitle any person to compensation on the ground that any alienated land which was wholly or partially exempt from payment of land revenue has been under the provisions of this Act made subject to the payment of full assessment in accordance with the provisions of the Code.

I of
1894. 19. Every award made under section 17 or 18 shall be in the form prescribed in section 26 of the Land Acquisition Act, 1894, and the provisions of the said Act shall, so far as may be, apply to the making of such award.

Provisions of
Land
Acquisition
Act, 1894,
applicable
to award.

Bom.
XII
of
1939. 20. An appeal shall lie against an award of the Collector to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, notwithstanding anything contained in the said Act.

Appeal
against
Collector's
award.

21. (1) The Bombay Revenue Tribunal shall, after giving notice to the appellant and the State Government, decide the appeal and record its decision.

Procedure
before
Revenue
Tribunal.

(2) In deciding an appeal under this Act the Bombay Revenue Tribunal shall exercise all the powers which a Court has and shall follow the same procedure which a Court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908.

V of
1908.

IX of
1908. 22. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal.

Limitation.

VII of
1870. 23. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

Court-fees.

24. The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court.

Finality of
award and
decision of
Revenue
Tribunal.

XLV
of
1860. 25. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

Inquiries and
Proceedings
to be judicial
proceedings.

26. The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

Amount of
compensation to be
payable in
transferable
bonds.

CHAPTER IV.

Miscellaneous.

Alienees to
deliver
records to
authorized
officers.

27. (1) Whenever an officer authorized by the State Government in this behalf so directs, an alienee shall deliver to him or such other officer as may be specified in the direction, the records relating to the alienated land maintained by the alienee.

(2) If the alienee fails without reasonable cause to deliver any such records, he shall, on conviction, be punished with fine which may extend to two hundred rupees. In the case of a continuing failure to deliver any such records the alienee shall be punished with an additional fine which may extend to twenty-five rupees for every day during which such failure continues after conviction for the first such failure.

Provisions
of Bom.
LXVII of
1948 to
govern the
relations of
landlord and
tenants.

28. Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, Bom. LXVII of 1948 to any alienated land or the mutual rights and obligations of a landlord and his tenants save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act.

Rules.

29. The State Government may, subject to the condition of previous publication, make rules for the purposes of carrying out the provisions of this Act. Such rules shall, when finally made, be published in the *Official Gazette*.

Saving.

30. Nothing contained in this Act shall affect,—

(1) any obligation or liability already incurred under an incident of an alienation before the date on which this Act comes into force, or

(2) any proceeding or remedy in respect of such obligation or liability,

and any such proceeding or remedy may be instituted, continued or enforced as if this Act had not been passed.

SCHEDULE.

(See section 3.)

1. The Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953 (Bom. XLIII of 1953).

2. The Bombay Kauli and Katuban Tenures (Abolition) Act, 1953 (Bom. XLIV of 1953).

3. The Bombay Merged Territories (Baroda Mulgiras Tenure Abolition) Act, 1953 (Bom. XLV of 1953).

4. The Bombay Merged Territories (Baroda Watan Abolition) Act, 1953 (Bom. XLVI of 1953).

5. The Bombay Merged Territories Matadari Tenure Abolition Act, 1953 (Bom. XLVIII of 1953).

6. The Bombay Merged Territories (Janjira and Bhor) Khoti Tenure Abolition Act, 1953 (Bom. LXXI of 1953).

7. The Bombay (Okhamandal Salami Tenure Abolition) Act, 1953 (Bom. I of 1954).

8. The Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953 (Bom. XXXIX of 1954).

THE INDIAN FOREST (BOMBAY AMENDMENT) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 2 of Act XVI of 1927.
3. Amendment of section 28 of Act XVI of 1927.
4. Amendment of section 35 of Act XVI of 1927.
5. Insertion of new sections 36-A, 36-B and 36-C in Act XVI of 1927.
6. Insertion of new section 80-A in Act XVI of 1927.

BOMBAY ACT No. XXIV OF 1955.¹

[THE INDIAN FOREST (BOMBAY AMENDMENT) ACT, 1955.]

[22nd June 1955]

An Act further to amend the Indian Forest Act, 1927, in its application to the State of Bombay.

XVI of 1927. WHEREAS it is expedient further to amend the Indian Forest Act, 1927, in its application to the State of Bombay, for the purposes hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Indian Forest (Bombay Amendment) Act, Short title. 1955.

XVI of 1927. 2. In section 2 of the Indian Forest Act, 1927 (hereinafter referred to as "the said Act"), in sub-clause (a) of clause (4), after the word "kuth" the words "apta and temburni leaves" shall be inserted. Amendment of section 2 of Act XVI of 1927.

3. In section 28 of the said Act,—

Bom. VI of 1933. Bom. VII of 1925. (1) in sub-section (1), after the word "village-community" the words and figures " , village panchayat established under the Bombay-Village Panchayats Act, 1933, or co-operative society registered or deemed to be registered under the Bombay Co-operative Societies Act, 1925," shall be inserted ; Amendment of section 28 of Act XVI of 1927.

(2) in sub-section (2), after the word "community" the words " , panchayat or society " shall be inserted.

4. In section 35 of the said Act,—

(1) in sub-section (3), after the words "until after the issue" the words "by an officer authorised by the State Government in that behalf" shall be inserted ; Amendment of section 35 of Act XVI of 1927.

(2) after sub-section (3), the following sub-sections shall be added, namely :—

"(4) A notice to show cause why a notification under sub-section (1) should not be made, may require that for any period not exceeding six months, or till the date of the making of a notification, whichever is earlier, the owner of such forest and all persons who are entitled or permitted to do therein any or all of the things specified in clause (i) of sub-section (1), whether by reason of any right, title or interest or under any licence or contract or otherwise, shall not, after the date of the notice and for the period or until the date aforesaid, as the case may be, do any or all the things specified in clause (i) of sub-section (1), to the extent specified in the notice.

V of 1908. (5) A notice issued under sub-section (3) shall be served on the owner of such forest in the manner provided in the Code of Civil Procedure, 1908, for the service of summons and shall also be published in the manner prescribed by rules.

(6) Any person contravening any requisition made under sub-section (4) in a notice to show cause why a notification under sub-section (1) should not be made shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both."

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, pp. 38-39.

Insertion of new sections 36-A, 36-B and 36-C in Act XVI of 1927.

5. After section 36 of the said Act, the following new sections shall be inserted, namely :—

Manner of serving notice and order under section 36.

“ 36-A. The notice referred to in sub-section (1) of section 36 and the order, if any, made placing a forest under the control of a Forest-officer shall be served on the owner of such forest in the manner provided in the Code of Civil Procedure, 1908, for the service of summons. V of 1908.

Period of control.

36-B. (1) The period of such control of any forest shall be for ten years from the date of the order aforesaid ; but such period may thereafter be extended for successive periods of not more than ten years each :

Provided that the period of such control shall not in the aggregate exceed 30 years from the date of the order.

(2) The Forest-officer, under whose control the forest is placed, shall, not later than six months before the expiry of any period referred to in sub-section (1), make a report regarding such control and shall state therein whether in his opinion, any period of control should be extended.

(3) After considering any such report and subject to sub-section (1), the State Government shall decide whether to extend any period of control or whether to terminate it in the manner provided in the next succeeding section.

(4) No period of control shall be extended unless the owner has been given reasonable opportunity of showing cause against such extension.

Termination of control.

36-C. (1) If the State Government decides to terminate any period of control of any forest, it shall, by order published in the *Official Gazette* and in such other manner as may be prescribed by rules, so declare ; and thereupon possession of the forest shall be given to the owner, or if the owner be dead, to any person entitled to such possession, together with any sum of money which may be standing to the credit of such owner.

(2) All acts done or purported to be done by the Forest-officer in respect of any forest placed under his control, during the period of such control or of any extension thereof, shall be binding on the owner of such forest or any person to whom possession of the forest has been delivered under this section.”

Insertion of new section 80-A in Act XVI of 1927.

6. After section 80 of the said Act, the following section shall be inserted, namely :—

Power of Government to apply provisions of this Act to certain lands of Government or local authority.

“ 80-A. The State Government may, by notification in the *Official Gazette*, declare that any of the provisions of this Act shall apply to all or any lands on the banks of canals or the sides of roads which are the property of the State Government or a local authority and thereupon such provisions shall apply to such lands accordingly.”

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THE LEPERS (BOMBAY AMENDMENT) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of long title and preamble of Act III of 1898.
3. Insertion of new sections 14A to 14F in Act III of 1898.
4. Insertion of new Form F in Schedule to Act III of 1898.

BOMBAY ACT No. XXVIII OF 1955.¹

[THE LEPERS (BOMBAY AMENDMENT) ACT, 1955.]

[16th September 1955]

An Act to amend the Lepers Act, 1898, in its application to the State of Bombay.

III of 1898. WHEREAS it is expedient to amend the Lepers Act, 1898, in its application to the State of Bombay for the purposes hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Lepers (Bombay Amendment) Act, 1955. Short title.

III of 1898. 2. In the long title and the preamble of the Lepers Act, 1898, in its application to the State of Bombay (hereinafter called "the said Act") the word "pauper" shall be deleted. Amendment of long title and preamble of Act III of 1898.

3. After section 14 of the said Act, the following sections shall be inserted, namely :— Insertion of new sections 14A to 14F in Act III of 1898.

"14A. If it appears to the State Government that in any local area, large bodies of persons are likely to assemble on account of pilgrimage, fair or other such occurrence and that the presence of lepers amidst such assembly of persons is likely to cause the spread of leprosy, the State Government may, by notification in the *Official Gazette*, declare such local area as notified area for such period as may be specified in the notification and order that no leper shall, unless he is a permanent resident of the notified area, enter or remain within the limits of the notified area during the period specified in the notification. Power of State Government to prohibit entry of lepers in notified area.

14B. (1) Notwithstanding any law for the time being in force relating to any local authority, it shall be the duty of every local authority within whose local limits the notified area or part thereof is situate, to set up a segregation camp for the reception of lepers. Duty of local authority to set up segregation camp in notified area.

(2) Every such segregation camp shall be equipped with adequate supply of water and food and necessary sanitary arrangements.

(3) Such segregation camp shall be in charge of an Inspector of Lepers who shall be appointed by the State Government under section 4.

14C. (1) Any police officer or any person specially empowered by the State Government by order in writing in this behalf may arrest without a warrant any person, who appears to him to be a leper and who is found to be within the limits of the notified area in contravention of the order issued under section 14A. Power to arrest without warrant leper found in notified area.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, pages 182-183.

(2) Such police officer or other person shall forthwith take or send the person so arrested to the nearest convenient segregation camp :

Provided that no person so arrested shall be detained in custody or in the segregation camp without the order of the nearest Magistrate for longer period than twenty-four hours from the time of arrest exclusive of the time necessary for the journey from the place of arrest to the court of such Magistrate.

Inquiry in respect of lepers and their detention in segregation camps.

14D. (1) As soon as a person arrested under section 14C is brought to the segregation camp, the Inspector of Lepers in charge of the camp shall examine such person and—

(a) if he finds that such person is not a leper, he shall give him a certificate in Form A set forth in the Schedule, whereupon such person shall be forthwith released from arrest ;

(b) if he finds that such person is a leper he shall give to the police officer or the person arresting such person a certificate in Form B set forth in the Schedule whereupon the leper shall forthwith be taken before a Presidency Magistrate in Greater Bombay or elsewhere a Magistrate of the first class having jurisdiction or before any other Magistrate authorised in this behalf by the State Government.

(2) If upon the certificate in Form B and after giving to the arrested person an opportunity of being heard, it appears to the Magistrate that such person is a leper, the Magistrate shall record a declaration that such person is a leper and order such person to be detained in such segregation camp as may be specified in the order so long as the notification issued under section 14A is in force and shall send such leper to such segregation camp together with an order in Form F set forth in the Schedule :

Provided that where the person declared to be a leper proves to the satisfaction of the Magistrate that he is a permanent resident of the notified area, the Magistrate shall order that such person shall be forthwith discharged :

Provided further that if the person declared to be a leper shall give an undertaking in writing that he shall forthwith depart from the notified area and shall not enter or remain in the notified area so long as the notification issued under section 14A is in force, then the Magistrate may order that such person be discharged.

Penalty for non-compliance of undertaking.

14E. If any person released from arrest on an undertaking given by him under section 14D fails to comply with such undertaking, he shall, on conviction, be punished with fine which may extend to fifty rupees.

Rearrest of leper escaping from segregation camp.

14F. The provisions of section 12 shall, *mutatis mutandis*, apply to any leper who escapes from a segregation camp."

4. In the Schedule to the said Act, after Form E, the following Form shall be inserted, namely :—

Insertion of
new Form F
in Schedule
to Act III of
1898.

" F.—WARRANT OF DETENTION.

(Section 14D)

To

The Inspector of Lepers in charge
of the Segregation Camp at.....

Whereas it has been made to appear to me that (name and description) is a leper as defined in the Lepers Act, 1898 ;

This is to authorise you, the said Inspector of Lepers, to receive the saidinto your custody together with this order and safely to keep him/her in the said segregation camp till the expiry of theday of

Given under my hand and the seal of the Court this
195 .

day of



(Signature)

Magistrate."

THE BOMBAY (SECOND) REPEALING AND AMENDING ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Repeal of certain enactment.
3. Amendment of certain enactments.

THE FIRST SCHEDULE.

BOMBAY ACT No. XXIX OF 1955.¹

[THE BOMBAY (SECOND) REPEALING AND AMENDING ACT, 1955.]

[7th October 1955]

An Act to repeal certain enactment and to amend certain other enactments.

WHEREAS it is expedient to repeal certain enactment and to amend certain other enactments for the purposes hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Bombay (Second) Repealing and Amending Act, Short title. 1955.

2. The enactment specified in the First Schedule is hereby repealed to the extent mentioned in the fourth column thereof. Repeal of certain enactment.

3. The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof. Amendment of certain enactments.

THE FIRST SCHEDULE.

Repeal.

(See section 2.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1950	... XXV ...	The Bombay State Road Transport Act, 1950.	The whole.

THE SECOND SCHEDULE.

Amendments.

(See Section 3.)

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	... V ...	The Code of Criminal Procedure, 1898.	In section 14, in sub-section (2), in the proviso after the word "Assistant" the words "or Deputy" shall be inserted.
1901	... III ...	The Bombay District Municipal Act, 1901.	In section 139, in sub-section (2), after the brackets and figures "(ii)" the brackets, figures and letter " , (iii) " shall be inserted.
1951	... XLVIII ...	The Bombay Homœopathic Act, 1951.	In section 17, in sub-section (5), after the words "through the Board" the words "if duly constituted" shall be inserted.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, Part V, pages 152-153.

THE BOMBAY (SECOND SUPPLEMENTARY) APPROPRIATION ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Issue of Rs. 6,46,19,760 out of the consolidated Fund of the State of Bombay for the year 1955-56.
3. Appropriation.

SCHEDULE.

BOMBAY ACT No. XXXIII OF 1955.¹

[THE BOMBAY (SECOND SUPPLEMENTARY) APPROPRIATION ACT, 1955.]

[19th October 1955]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1956.

WHEREAS by virtue of article 204 of the Constitution of India read with article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1956, and for the purpose of authorising payment of the said sums; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Bombay (Second Supplementary) Appropriation Act, 1955. Short title.

2. From and out of the Consolidated Fund of the State of Bombay, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rs. 6,46, 9,760 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1956, in respect of the services and purposes specified in column 2 of the Schedule.

Issue of
Rs.
6,46,19,760
out of the
Consolidated
Fund of the
State of
Bombay for
the year
1955-56.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1956.

Appropriation.

SCHEDULE.

(See sections 2 and 3.)

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
1	Land Revenue ...	7, Land Revenue ...	25,437	1,60,273	1,85,710
2	State Excise ...	8, State Excise ...	5,935	8,801	14,736
3	Stamps ...	9, Stamps ...	.....	118	118
4	Forest ...	10, Forest ...	86,510	.....	86,510
5	Registration ...	11, Registration ...	.....	184	184
6	Charges on account of Motor Vehicles Acts.	12, Charges on account of Motor Vehicles Acts.	.....	1,554	1,554

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, page 419.

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
7	Other Taxes and Duties.	13, Other Taxes and Duties.	41,080	.....	41,080
8	Irrigation (including working expenses).	XVII— <i>Deduct</i> —Working expenses, 18, Other Revenue Expenditure Financed from Ordinary Revenues and 19, Construction of Irrigation, Navigation, Embankment and Drainage Works.	6,51,190	.....	6,51,190
9	Interest on Debt and other Obligations.	22, Interest on Debt and other Obligations.	.....	3,10,875	3,10,875
10	Appropriation for Reduction or Avoidance of Debt.	23, Appropriation for Reduction or Avoidance of Debt.	.....	5,65,330	5,65,330
11	General Administration.	25, General Administration.	12,43,182	.....	12,43,182
12	Administration of Justice.	27, Administration of Justice.	61,307	12,190	73,497
13	Jails and Convict Settlements.	28, Jails and Convict Settlements.	20	.....	20
14	Police ...	29, Police ...	44,150	5,394	49,544
15	Dangs District ...	33-A, Dangs District...	80,526	.....	80,526
16	Scientific Departments	36, Scientific Departments.	2,20,010	.....	2,20,010
17	Education ...	37, Education ...	25,68,784	.....	25,68,784
18	Medical ...	38, Medical ...	3,15,129	.....	3,15,129
19	Public Health ...	39, Public Health ...	18,43,267	.....	18,43,267
20	Agriculture ...	40, Agriculture ...	2,03,596	.....	2,03,596
21	Veterinary ...	41, Veterinary ...	2,19,186	.....	2,19,186
22	Co-operation ...	42, Co-operation ...	2,56,300	.....	2,56,300
23	Industries ...	43, Industries ...	45,224	.....	45,224
24	Industrial Development.	43-A, Capital Outlay on Industrial Development.	2,35,532	.....	2,35,532
25	Miscellaneous Departments (except Labour).	47, Miscellaneous Departments.	68,32,717	.....	68,32,717
26	Labour ...	47, Miscellaneous Departments.	17,247	.....	17,247

SCHEDULE—concl'd.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
27	Civil Works ...	50, Civil Works ...	34,82,201	46,230	35,28,431
28	Multipurpose River Schemes.	51-B, Other Revenue Expenditure connected with Multipurpose River Schemes.	1,47,200	.....	1,47,200
29	Other Revenue Expenditure connected with Electricity Schemes.	52-A, Other Revenue Expenditure connected with Electricity Schemes.	2,500	.....	2,500
30	Famine ...	54, Famine ...	.....	1,129	1,129
31	Stationery and Printing.	56, Stationery and Printing.	40,300	...	40,300
32	Miscellaneous ...	57, Miscellaneous ...	34,51,170	1,307	34,52,477
33	Civil Defence ...	64-B, Civil Defence ...	2,070	.....	2,070
		Total, Expenditure on Revenue Account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	2,21,21,770	11,13,385	2,32,35,155
34	Irrigation ...	68, Construction of Irrigation, etc. Works.	4,65,595	.....	4,65,595
35	Public Health ...	70, Capital Outlay on Improvement of Public Health.	24,622	.....	24,622
36	Bombay Development Scheme.	80, Bombay Development Scheme.	7,500	.....	7,500
37	Civil Works ...	81, Capital Account of Civil Works outside the Revenue Account.	2,53,818	250	2,54,068
38	Electricity Schemes.	81-A, Capital Outlay on Electricity Schemes.	84,016	.....	84,016
39	Housing of Displaced persons and Milk Scheme.	82, Capital Account of other State Works outside the Revenue Account.	2,16,673	5,675	2,22,348
40	Schemes of State Trading.	85-A, Capital Outlay on State Schemes of Government Trading.	68,10,641	.....	68,10,641
		Total, Capital Expenditure outside the Revenue Account.	78,62,865	5,925	78,68,790
41	Floating Debt ...	Floating Debt ...	.....	20,04,182	20,04,182
42	Loans from the Central Government.	Loans from the Central Government.	.....	5,65,330	5,65,330
43	Loans and Advances bearing interest.	Loans and Advances by State Government.	3,07,03,287	2,43,016	3,09,46,303
		Total Disbursement under Debt Heads.	3,07,03,287	28,12,528	3,35,15,815
		Grand Total ...	6,06,87,922	39,31,838	6,46,19,760

**THE BOMBAY DISTRICT MUNICIPAL AND MUNICIPAL BOROUGHS
(AMENDMENT) ACT, 1955.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
- 2-12. [*Amendments made by sections 2 to 12 have been incorporated in the Bombay District Municipal Act, 1901.*]
13. Amendments made by sections 2 to 4 and 8 to apply to elections held after 31st December 1955.
- 14-22. [*Amendments made by sections 14 to 22 have been incorporated in the Bombay Municipal Boroughs Act, 1925.*]
23. Amendments made by sections 14, 15 and 18 to apply to elections held after 31st December 1955.

BOMBAY ACT No. XXXV OF 1955.¹

[THE BOMBAY DISTRICT MUNICIPAL AND MUNICIPAL BOROUGHS (AMENDMENT)
ACT, 1955.]

[21st October 1955]

An Act further to amend the Bombay District Municipal Act, 1901 and the Bombay Municipal Boroughs Act, 1925.

Bom. WHEREAS it is expedient further to amend the Bombay District Municipal Act,
III of 1901 and the Bombay Municipal Boroughs Act, 1925, for the purposes hereinafter
1901. appearing ; It is hereby enacted in the Sixth Year of the Republic of India as
Bom. XVIII follows :-
of
1925.

1. This Act may be called the Bombay District Municipal and Municipal Short title.
Boroughs (Amendment) Act, 1955.

2-12. [*Amendments made by sections 2 to 12 have been incorporated in the Bombay
District Municipal Act, 1901.*]

13. The amendments made in the District Municipal Act by sections 2 to 4 (both Amendments
inclusive) and by section 8 of this Act shall have effect for the purposes of elections made by
of members for any ward of the municipal district to be held under the District sections 2 to
Municipal Act after the thirty-first day of December 1955 and for all subsequent 4 and 8 to
elections. For the purposes of any elections to be held during the period from the apply to
date of the coming into force of this Act to the thirty-first day of December 1955 elections
(both inclusive) the list of voters in force on the date of the coming into force of held
this Act shall continue to operate. after 31st
December
1955.

14-22. [*Amendments made by sections 14 to 22 have been incorporated in the
Bombay Municipal Boroughs Act, 1925.*]

23. The amendments made in the Municipal Boroughs Act by sections 14, 15 Amendments
and 18 of this Act shall have effect for the purposes of elections of members made by
ward of the municipal borough to be held under the Municipal Boroughs Act after sections 14,
the thirty-first day of December 1955 and for all subsequent elections. For the 15 and 18 to
purposes of any elections to be held during the period from the date of the coming apply to
into force of this Act to the thirty-first day of December 1955 (both inclusive) the elections held
list of voters in force on the date of the coming into force of this Act shall continue after 31st
to operate. December
1955.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, page 143.

THE CODE OF CRIMINAL PROCEDURE (BOMBAY AMENDMENT) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Amendment of section 14 of Act V of 1898.
3. Amendment of section 30 of Act V of 1898.
4. Insertion of new section 406AA in Act V of 1898.
5. Amendment of section 408 of Act V of 1898.
6. Amendment of section 435 of Act V of 1898.
7. Amendment of section 436 of Act V of 1898.
8. Insertion of new section 438A in Act V of 1898.
9. Amendment of section 505 of Act V of 1898.

BOMBAY ACT No. XXXIX OF 1955.¹

[THE CODE OF CRIMINAL PROCEDURE (BOMBAY AMENDMENT) ACT, 1955.]

[28th October 1955]

An Act further to amend the Code of Criminal Procedure, 1898, in its application to the State of Bombay.

V of 1898. WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898, in its application to the State of Bombay, for the purposes hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. (1) This Act may be called the Code of Criminal Procedure (Bombay Amendment) Act, 1955. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

V of 1898. 2. For section 14 of the Code of Criminal Procedure, 1898 (hereinafter referred to as the "said Code"), the following shall be substituted, namely :— Amendment of section 14 of Act V of 1898.

" 14 (1) The State Government may, in consultation with the High Court, confer upon any person who holds or has held any judicial post under the Union or a State, or possesses such other qualifications as may, in consultation with the High Court, be specified in this behalf by the State Government by notification in the *Official Gazette*, all or any of the powers conferred or conferrable by or under this Code on a Judicial Magistrate in respect to particular cases or to a particular class or classes of cases, or in regard to cases generally in any local area. Such Magistrates shall be called Special Judicial Magistrates and shall be appointed for such term as the State Government may, in consultation with the High Court, by general or special order, direct. Special Magistrates.

(2) The State Government may also appoint Executive Magistrates for particular areas or for the performance of particular functions and confer upon them such powers as it deems fit. Such Magistrates shall be called Special Executive Magistrates and shall be appointed for such term as the State Government may, by general or special order, direct :

Provided that no powers shall be conferred under this sub-section on any police officer below the grade of Assistant Superintendent and no power shall be conferred on a police officer except so far as may be necessary for preserving the peace, preventing crime and detecting, apprehending and detaining offenders in order to their being brought before a Magistrate, and for the performance by the officer of any other duties imposed upon him by any law for the time being in force.

(3) The State Government may delegate, with such limitations as it may think fit, to any other officer under its control the powers conferred by sub-section (2) "

3. In section 30 of the said Code, the words "District Magistrate", at both the places where they occur, shall be deleted. Amendment of section 30 of Act V of 1898.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, page 413.

Insertion
of new
section
406AA in
Act V of
1898.

4. After section 406 of the said Code, the following section shall be inserted, namely :—

Appeal from
direction
made by
District
Magistrate
to make
further
inquiry into
proceedings
in which an
order of
release or
discharge
has been
made under
section 119.

“406AA. Any person aggrieved by a direction made by a District Magistrate under sub-section (2) of section 436 requiring any Sub-Divisional Magistrate or any other Executive Magistrate subordinate to him to make further inquiry into any proceedings in which an order of release or discharge has been made by him under section 119 may appeal against such direction to the Court of Session.”

Amendment
of section
408 of Act
V of 1898.

5. For section 408 of the said Code, the following shall be substituted, namely :—

Appeal from
sentence of
Assistant
Sessions
Judge or any
Magistrate.

“408. Any person convicted on a trial held by an Assistant Sessions Judge or a Judicial Magistrate or any person sentenced under section 349 or in respect of whom an order has been made or a sentence has been passed under section 380 by a Judicial Magistrate may appeal to the Court of Session :

Provided as follows :—

(1) when in any case an Assistant Sessions Judge or a Magistrate specially empowered under section 30 passes any sentence of imprisonment for a term exceeding four years, the appeal of all or any of the accused convicted at such trial shall lie to the High Court ;

(2) when any person is convicted by a Magistrate of an offence under section 124A of the Indian Penal Code, the appeal shall lie to the High Court.”

XLV
of
1898.

Amendment
of section
435 of Act V
of 1898.

6. In section 435 of the said Code, for sub-section (4) the following shall be substituted, namely :—

“(4) The High Court may call for and examine the record of any proceeding in respect of an order made under section 118, 122, 143, 144 or 145, notwithstanding the fact that such proceeding was before an Executive Magistrate or the Commissioner of Police, as the case may be.”

Amendment
of section
436 of Act V
of 1898.

7. In section 436 of the said Code, in sub-section (2), after the words “ inquiry into any proceedings ” the words and figures “ in which an order of release or discharge has been made under section 119 ” shall be inserted.

8. After section 438 of the said Code, the following section shall be inserted, namely :—

Insertion of
new section
438A in
Act V of
1898.

“ 438A. On examining under section 435 or otherwise the record of any proceeding,—

(1) if such proceeding is in respect of an order made under section 118, 122, 143, 144 or 145 and the District Magistrate thinks that the order made in such proceeding should be reversed or altered, he shall report for the orders of the High Court the result of such examination ;

Power of
District
Magistrate
to report to
High Court
or decide
finally pro-
ceedings
called for.

(2) if such proceeding is in respect of an order made under any other section, then in the case of such proceeding the District Magistrate may, subject to the provisions of sub-section (2) of section 436, exercise any of the powers conferred on a Court of Appeal by sections 423, 426, 427 and 428.”

9. In section 505 of the said Code, for sub-section (1) the following shall be substituted, namely :—

Amendment
of section
505 of Act V
of 1898.

“ (1) Upon receipt of the commission, the District Magistrate or such Magistrate subordinate to him as he may appoint in this behalf, shall proceed to the place where the witness is, or shall summon the witness before him, and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant cases under this Code.”

THE SARDAR VALLABHBHAI VIDYAPEETH ACT, 1955.

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2. Definitions.

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SCHEDULE I.

SCHEDULE II.

BOMBAY ACT No. XL OF 1955.¹

[THE SARDAR VALLABHBHAI VIDYAPEETH ACT, 1955.]

[31st October 1955]

An Act to establish and incorporate a teaching and affiliating University at Vallabh Vidyanagar.

WHEREAS it is necessary to accelerate the process of regeneration of villages by the application of modern arts, sciences and technology to rural requirements ;

AND WHEREAS it is also necessary and expedient to establish and incorporate a teaching and affiliating University with Hindi in Devnagari script as the medium of instruction and examination in a rural setting at Vallabh Vidyanagar ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

CHAPTER I.**PRELIMINARY.**

1. (1) This Act may be called the Sardar Vallabhbhai Vidyapeeth Act, 1955. Short title and commencement.
- (2) This section shall come into force at once.
- (3) The State Government may, by notification in the *Official Gazette*, direct that all or any of the remaining provisions of this Act shall come into force on such date or dates as may be specified in the notification.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(1) "affiliated college" means a college affiliated under section 44 and includes also a college deemed to be affiliated under section 5 ;

(2) "college" means a degree college or an intermediate college ;

(3) "constituent college" means a university college or an affiliated college made constituent under section 50 ;

(4) "degree college" means a college, which is authorized to submit its students to an examination qualifying for any degree of the University ;

(5) "department" means a department designated as such by the Ordinances with reference to a subject or a group of subjects ;

(6) "Director of Education" means the Director of Education, Bombay State ;

(7) "Fellow" means an *ex-officio* Fellow or an Ordinary Fellow appointed under the provisions of this Act ;

(8) "Head Master" means the head of a High School ;

(9) "Head of Department" means a teacher principally responsible for instruction, training or research in a department ;

Bom.
XLIX
of
1948.

(10) "High School" means a high school which has been recognized as a full-fledged high school by the Director of Education, or by an officer authorized by him in that behalf in accordance with the provisions of the Bombay Secondary School Certificate Examination Act, 1948 ;

(11) "hostel" means a unit of residence for students maintained or recognized by the University under this Act ;

(12) "intermediate college" means a college other than a degree college ;

(13) "prescribed" means prescribed by Statutes or Ordinances ;

(14) "Principal" means the head of a college ;

(15) "recognized institution" means an institution recognized under section 46 and includes also an institution deemed to have been recognized under section 5 ;

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, page 232.

- (16) "registered graduate" means a graduate registered under section 16 ;
 (17) "Schedule" means a schedule appended to this Act ;
 (18) "secondary teachers" means such class of teachers imparting instruction in High Schools as may be declared to be secondary teachers by Statutes ;
 (19) "Statutes" and "Ordinances" mean respectively, the Statutes and Ordinances of the University made under this Act and for the time being in force ;
 (20) "teacher" means a professor, reader or lecturer, imparting instruction or guiding research in the University, an affiliated college or recognized institution or such other person as may be declared to be a teacher by the Statutes ;
 (21) "Teacher of the University" means a teacher appointed or recognized by the University for imparting instruction on its behalf ;
 (22) "University" means the Sardar Vallabhbhai Vidyapeeth ;
 (23) "University Area" means the area specified in Schedule I ;
 (24) "University College" means a college which the University may establish or maintain under this Act or a college transferred to the University and maintained by it ;
 (25) "University Department" means any collegiate or post-graduate or research institution or department maintained by the University.

CHAPTER II.

THE UNIVERSITY.

Incorporation of the University.

3. (1) The Chancellor, the Vice-Chancellor, the Fellows and the members of the Syndicate of the University and all persons who may hereafter be appointed or elected as such officers, Fellows or members under this Act, so long as they continue to be such officers, Fellows or members, are hereby constituted and declared to be one body corporate by the name of the Sardar Vallabhbhai Vidyapeeth, and such body corporate shall, by such name, have perpetual succession and a common seal, and by such name shall sue and be sued.

(2) The University shall be competent to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property which may have become vested in, or may have been acquired by, it for the purpose of the University and to contract and do all other things necessary for the purposes of this Act.

Powers of the University.

4. Subject to such conditions as may be prescribed by or under the provisions of this Act, the University shall have the following powers, namely :—

(1) to provide for instruction, teaching and training in such branches of learning and courses of study as it may think fit and to make provision for research and for the advancement and dissemination of knowledge ;

(2) to make such provision as would enable affiliated colleges and recognized institutions to undertake specialization of studies ;

(3) to organise, control and co-ordinate the programme of teaching and research and other activities of the University, whether carried on in constituent colleges or in University Departments or in affiliated Colleges or recognised institutions ;

(4) to organize university laboratories, libraries, museums and other equipment for teaching and research ;

(5) to establish, maintain and manage colleges, departments or practising schools and institutions attached to colleges, departments or schools for the purpose of practical work, experiment, research or preparatory instruction and institutes of research or specialized studies :

(6) to institute professorships, readerships, lecturerships and any other posts of teachers required by the University ;

(7) to appoint or recognize persons as professors, readers or lecturers or otherwise as teachers of the University ;

(8) to lay down the courses of instruction for various examinations ;

(9) to guide the teaching in colleges or recognized institutions ;

(10) to institute degrees, diplomas and other academic distinctions ;

(11) to hold examinations including University Entrance examination and confer degrees, diplomas and other academic distinctions on persons who—

(a) have pursued approved courses of study in the University or in an affiliated college or in a recognized institution unless exempted therefrom in the manner prescribed by the Statutes or Ordinances and have passed the examinations prescribed by the University, or

(b) have carried on research under conditions prescribed by the Ordinances ;

(12) to confer honorary degrees or other academic distinctions in the manner laid down by the Statutes ;

(13) to grant such diplomas and certificates to, and to provide such lectures, instruction and training, for persons not being enrolled students of the University as the University may determine by the Statutes and Ordinances ;

(14) to admit educational institutions to the privileges of the University and to withdraw such privileges ;

(15) to inspect colleges and recognized institutions and to take measures to ensure that proper standards of instruction, teaching or training are maintained in them ;

(16) to control and co-ordinate the activities of, and give financial aid to, affiliated colleges and recognized institutions ;

(17) to hold and manage trusts and endowments and to institute and award fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes ;

(18) to make special provision for the spread of University education among classes and communities, which are educationally backward ;

(19) to make special provision for disseminating knowledge and promoting arts and culture ;

(20) to fix, to demand and to receive such fees and other charges as may be prescribed by the Ordinances ;

(21) to establish, maintain and manage hostels ;

(22) to recognize hostels not maintained by the University, to inspect such hostels and to withdraw recognition therefrom ;

(23) to supervise and control the conduct and discipline of the students of the University and to provide for and to supervise and control their residence and to make arrangements for promoting their health and general welfare ;

(24) to conduct, co-ordinate, regulate and control post-graduate research work and teaching in the affiliated colleges and the institutions recognized by the University ;

(25) to co-ordinate, regulate and control the conduct of post-intermediate teaching and instruction in affiliated colleges and to undertake the same in University Colleges ;

(26) to institute and manage—

(a) Printing and Publication Department,

(b) University Extension Boards,

(c) Information Bureaux, and

(d) Employment Bureaux ;

(27) to make provision—

(a) for extra-mural teaching and research,

(b) for physical and military training,

(c) for Students' Unions, and

(d) for sports and athletic clubs ;

(28) to provide for training for competitive examinations for services under the Union or the State Governments ;

(29) to promote the development of the study of Hindi in Devnagari script and of Gujarati and the use of such Hindi as a medium of instruction and examination ;

(30) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine ;

(31) to do all such acts and things whether incidental to the powers aforesaid or not as may be requisite in order to further the objects of the University and generally to cultivate and promote arts, science and other branches of learning and culture.

Jurisdiction
and admis-
sion to
privileges.

5. (1) No educational institution situate within the University area shall, save with the consent of the University and the sanction of the State Government, be associated in any way with, or seek admission to any privileges of, any other University established by law.

(2) Any such privileges enjoyed from such other University, before the date on which this section comes into force, by any educational institution situate within the University area shall be deemed to be withdrawn with effect from such date.

(3) With effect from such date all educational institutions admitted to the privileges of the Gujarat University and situate within the University area shall be deemed to be admitted to the privileges of the University, and the University shall, as far as may be possible and consistent with this Act, admit such institutions to all such privileges as they had from the Gujarat University immediately before such date.

(4) If any educational institution using Hindi in Devnagari script as the medium of instruction conducted by it—

(a) is situate within the University area of any other University established by law in the State of Bombay, or

(b) is eligible for being admitted to the privileges of the Shreemati Nathibai Damodar Thackersey Women's University established under the Shreemati Nathibai Damodar Thackersey Women's University Act, 1949 (hereinafter referred to as the Women's University)

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and such University refuses to admit such institution to its privileges on the ground of the medium of instruction in such institution, then such institution may apply to the University for being admitted to the privileges of the University and the University may, with the sanction of the State Government and subject to such conditions as the University and the State Government may think fit to impose, admit such institution to its privileges.

6. (1) No person shall be excluded from any office of the University or from University membership of any of its authorities or from admission to any degree, diploma, open to all membership of any of its authorities or from admission to any degree, diploma, irrespective of other academic distinction or course of study on the grounds only of religion, of religion, race, caste, sex, place of birth, or political or other opinion : race, caste, sex, place of birth or opinion.

Provided that the University may, subject to the previous sanction of the State Government, maintain, affiliate or recognize any college or institution exclusively for women either for education, instruction or residence, or reserve for women or members of classes and communities which are educationally backward, places for the purposes of admission as students in any college or institution maintained or controlled by the University.

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to religion, race, caste, sex, place of birth, or political or other opinion in order to entitle him to be admitted as a teacher or to hold any office in the University or to qualify for any degree, diploma or other academic distinction or to enjoy or exercise any privileges of the University or benefaction thereof.

7. (1) The Chancellor shall have the right to cause an inspection to be made. Inspection by such person or persons as he may direct, of the University, its buildings, and inquiry. laboratories, libraries, museums, workshops and equipment, of any institution, college or hostel maintained or recognized by, or affiliated to, the University, of the teaching and other work conducted by the University, and of the conduct of examinations held by the University and to cause an inquiry to be made in respect of any matter connected with the University. The Chancellor shall in every case give notice to the University of his intention to cause an inspection or inquiry to be made and the University shall be entitled to be represented thereat.

(2) The Chancellor shall communicate to the Syndicate and to the Senate his views with reference to the results of such inspection or inquiry and shall, after ascertaining the opinion of the Syndicate and the Senate thereon, advise the University on the action to be taken.

(3) The Syndicate shall report to the Chancellor such action, if any, as it has taken or may propose to take upon the results of the inspection or inquiry. Such report shall be submitted with the opinion of the Senate thereon and within such time as the Chancellor may direct.

(4) Where the Syndicate does not within a reasonable time take action to the satisfaction of the Chancellor, the Chancellor may, after considering any explanation furnished or representation made by the Syndicate, issue such directions as he may think fit and the Syndicate shall comply with such directions.

CHAPTER III.

OFFICERS OF THE UNIVERSITY.

Officers of the University.

8. The following shall be the officers of the University, namely :—

- (i) the Chancellor,
- (ii) the Vice-Chancellor,
- (iii) the Deans of Faculties,
- (iv) the Registrar, and
- (v) such other officers in the service of the University as may be declared by the Statutes to be officers of the University.

The Chancellor.

9. (1) The Governor of Bombay for the time being shall be the Chancellor of the University. He shall, by virtue of his office, be the head of the University and the President of the Senate and shall, when present, preside at the meetings of the Senate and at any convocation of the University ;

(2) The Chancellor shall exercise such powers as may be conferred on him by or under the provisions of this Act.

The Vice-Chancellor.

10. (1) The Vice-Chancellor shall be appointed by the State Government.

(2) The Vice-Chancellor shall hold office for a term of three years.

(3) Where any temporary vacancy in the office of the Vice-Chancellor occurs by reason of leave, illness or other cause, the Syndicate shall, as soon as possible and subject to the approval of the Chancellor, make such arrangements for carrying on the duties of the office of the Vice-Chancellor, as it may think fit. Until such arrangements are made, the Senior Dean shall carry on the current duties of the office of the Vice-Chancellor.

(4) The Vice-Chancellor shall be an honorary Officer, but the Senate may, by Statutes, make the office of the Vice-Chancellor a whole time salaried office ; the Senate may also determine the emoluments to be paid for such office, whether honorary or salaried, and prescribe the conditions subject to which such office shall be held :

Provided that any appointment to the office of the Vice-Chancellor made under sub-section (3) during a temporary vacancy in such office shall be honorary.

Explanation.—If any question arises as to who is the Senior Dean, it shall be decided by the Vice-Chancellor, whose decision shall be final.

Powers of Vice-Chancellor.

11. (1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall, in the absence of the Chancellor, preside at a meeting of the Senate and any convocation of the University. He shall be an *ex-officio* member and the Chairman of the Syndicate and of such other authorities of the University of which he is a member. He shall be entitled to be present, with the right to address, at any meeting of any other authority or body of the University.

(2) The Vice-Chancellor shall have power to convene meetings of the Senate and the Syndicate. He may delegate this power to any other officer of the University.

(3) It shall be the duty of the Vice-Chancellor to ensure that this Act, the Statutes and Ordinances are faithfully observed and he shall have all powers necessary for the purpose.

(4) (a) In an emergency, which, in the opinion of the Vice-Chancellor, requires that immediate action should be taken, he shall take such action as he deems necessary, and shall at the earliest opportunity thereafter report the action to such officer, authority or body, as would have in the ordinary course, dealt with the matter.

(b) When action taken by the Vice-Chancellor, under this sub-section affects any person in the service of the University, such person shall be entitled to prefer an appeal to the Syndicate through the officer, authority or body mentioned in clause (a) within fifteen days from the date on which such action is communicated to him.

(5) The Vice-Chancellor shall give effect to the decisions or orders of the Syndicate regarding the appointment, dismissal, suspension and punishment of the persons in the service of the University or teachers of the University or regarding the recognition or withdrawal of the recognition of any such teacher and shall exercise general control over the affairs of the University. He shall be responsible for the proper administration of the affairs of the University in accordance with this Act, the Statutes and Ordinances.

(6) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Statutes and Ordinances.

12. The Registrar shall be a whole-time salaried officer and shall act as the Secretary of the Senate and of the Syndicate. He shall be appointed by the Syndicate in accordance with the Statutes to be made in this behalf, and his emoluments and conditions of service shall be such as may be prescribed by the Statutes. He shall exercise such powers and perform such duties as may be prescribed by the Statutes and Ordinances.

13. The appointment of other officers of the University referred to in clause (v) of section 8 shall be made in such manner and the conditions of their service and their powers and duties shall be such as may be prescribed by the Statutes and Ordinances. Other officers.

CHAPTER IV.

AUTHORITIES OF THE UNIVERSITY.

14. The following shall be the authorities of the University :—

- (1) the Senate,
- (2) the Syndicate,
- (3) the Faculties,
- (4) the Boards of Studies,
- (5) the Board of Post-graduate Studies and Research,
- (6) such other bodies of the University as the Senate may declare by Statutes to be the authorities of the University.

Authori-
ties of
University.

(A) *The Senate.*

Constitu-
tion of
Senate.

15. The Senate shall consist of the following :—

I. *Ex-officio Fellows.*

- (A) (i) The Chancellor,
(ii) The Vice-Chancellor,
(iii) The ex-Vice-Chancellors of the University,
(iv) The Heads of University Departments,
(v) The Registrar.
- (B) (i) The Chief Justice of Bombay,
(ii) The Minister of Education, Bombay,
(iii) The Deputy Minister of Education, Bombay,
(iv) The Vice-Chancellors of other Universities established by law in the State of Bombay,
(v) The Secretary to the Government of Bombay, Education Department,
(vi) The Director of Education or his nominee who shall not be lower in rank than that of a Deputy Director of Education,
(vii) The Surgeon-General with the Government of Bombay,
(viii) The Director of Animal Husbandry and Veterinary Science,
(ix) The Director of Agriculture or Joint or Deputy Director of Agriculture designated by the State Government,
(x) The Director of Industries,
(xi) The Director of Technical Education,
(xii) The Chief Engineer or a Superintending Engineer, Public Works Department, nominated by the State Government,
(xiii) The Chairman of the Secondary School Certificate Examination Board.
- (C) (i) Deans of Faculties,
(ii) Principals of Colleges,
(iii) The Head Master of the G. J. Sharda Mandir at Vallabh Vidyanagar.
- (D) (i) (a) the President,
(b) the Chairman, and
(c) the Secretary,
of the Charutar Vidya Mandal ;
(ii) two senior members of the Council of the Charutar Vidya Mandal for the time being.

II. *Ordinary Fellows.*

(A) Elected as specified below :—

- (i) One teacher from each of the Faculties elected by the teachers of subjects comprised under that Faculty.
- (ii) One teacher from each of the affiliated colleges, constituent colleges and recognized institutions to be elected by the teachers in each college or institution, as the case may be.
- (iii) Five representatives of the registered graduates of the University to be elected faculty-wise as determined by Statutes ; such representatives being persons who are not teachers or secondary teachers :

Provided that no faculty shall be represented by more than one representative.

(iv) One representative to be elected by Head Masters, other than the Head Master of the G. J. Sharda Mandir at Vallabh Vidyanagar, in the University area from amongst themselves.

(v) One representative to be elected by secondary teachers in the University area from amongst themselves, such representative not being a Head Master.

(vi) One representative to be elected by the members of the Bombay Legislative Assembly from amongst its members :

Provided that every person elected under clauses (i) to (vi) shall continue to hold the office of a Fellow only so long as he is a member of the electing body.

(B) (i) Three representatives of the Birla Education Trust to be nominated by the Birla Education Trust.

(ii) Two representatives of the Institute of Agriculture,—who shall be one nominated by the trustees of Sheth Mansukhlal Chhaganlal Trust and one nominated by the trustees of Seth Munglal Goenka Trust.

(iii) Each of the donors other than a donor to whom clause (i) or (ii) applies, giving—

(a) to, or for the purposes of, the University, or

(b) to, or for the purposes of, a College or institution affiliated to, or recognised by, the University,
a donation of money or other property of the value of not less than five lakhs of rupees or the person nominated by him.

Such donor shall, if willing to serve, be a Fellow for a period of twenty years from the date of the acceptance of such donation by the Syndicate, college or institution, as the case may be :

Provided that the right of making such nomination shall not extend beyond the period of twenty years from the date of the acceptance of such donation by the Syndicate, college or institution, as the case may be, and the tenure of the office of the nominee shall not exceed five years.

(iv) Five representatives to be elected in the manner specified below from amongst themselves by donors other than those to whom clause (i), (ii) or (iii) applies, each donating money or property of the value of not less than one lakh of rupees—

(a) to, or for the purposes of, the University or

(b) to, or for the purposes of, a college or institution affiliated to, or recognised by, the University—

(1) if the donor is an individual, for the purpose of voting, the name of each such donor shall be enrolled on the register maintained by the University ;

(2) if the donor is an undivided Hindu family, trust, firm, company, or body corporate, for the purpose of voting, the name of the person nominated from time to time by each such undivided Hindu family, trust, firm, company or body corporate shall be enrolled on the register maintained by the University ;

(3) where sub-clause (4) does not apply, the persons whose names are enrolled on the register under sub-clauses (1) and (2) shall elect five representatives to the Senate ;

(4) if the number of names enrolled under sub-clauses (1) and (2) is five or less than five, each person whose name is so enrolled shall be deemed to have been elected :

Provided that the right of electing representatives on the Senate shall not extend beyond the period of twenty years from the date of the acceptance of such donation by the college, institution or Syndicate, as the case may be.

Explanation I.—In clauses (iii) and (iv) of paragraph (B), the reference to donors each donating money or other property of the value of not less than five lakhs or one lakh of rupees, as the case may be, shall include donors each of whom has donated money or other property of the value of not less than five lakhs or one lakh of rupees, as the case may be, to, or for the purposes of, the college or institution prior to the date on which such college or institution was deemed to be affiliated or recognized and admitted to the privileges of the University under section 5 or affiliated to, or recognized by, the University under section 44 or 46, as the case may be.

Explanation II.—For the purposes of clauses (iii) and (iv) of paragraph (B), the value of the property means, in the case of property donated, whether prior to or after the date of the coming into force of this Act, the market value of the property at the date of acceptance. The decision as to the market value shall rest with the Syndicate and shall be final.

(C) Five persons nominated by the State Government.

Registered
graduates.

16. (1) Subject to the provisions of sub-section (2), the following persons shall be entitled to have their names entered in the register of graduates or to be registered graduates, namely :—

- (a) persons who are the graduates of the University,
- (b) persons who being graduates of any other University are recognized as registered graduates in accordance with the Statutes.

(2) A person—

- (a) who is of unsound mind and stands so declared by a competent court,
- (b) who is an undischarged insolvent,
- (c) who is convicted by a Court of an offence punishable with transportation for life or imprisonment for more than six months and such offence involves moral turpitude, or
- (d) who is a registered graduate of any other University established by law in the State of Bombay

shall be disqualified to have his name entered in the register of graduates or to be a registered graduate :

Provided that the disqualification in clause (d) shall not apply to a person, if within six months from the date of the commencement of this Act such person elects to be a registered graduate of the University only and intimates to the Registrar that he has so made his election. Upon such intimation such person shall cease to be a registered graduate of any other University established by law in the State of Bombay.

(3) Every person who intends to be a registered graduate shall make an application to the Registrar in such form and on payment of such fee as may be prescribed by Ordinances. After making such inquiry as he thinks fit, the Vice-Chancellor shall decide whether a person is entitled to be or not to be a registered graduate.

(4) If any question arises whether a person is entitled to have his name entered in the register of graduates or to be a registered graduate or is disqualified to be a registered graduate, it shall be decided by the Vice-Chancellor whose decision shall be final.

17. (1) Any Ordinary Fellow may, by a letter addressed to the Chancellor, resign his office and on the acceptance of his resignation the office shall become vacant. Vacating of office.

(2) If, for a period of two consecutive years, any Ordinary Fellow, except a fellow nominated or elected under paragraph (B) under heading "II. Ordinary Fellows" in section 15, has not attended a meeting of the Senate, other than a convocation, the Chancellor may declare his office to be vacant.

(3) Any person, who holds any office in the University by virtue of his being a Fellow, shall cease to hold such office on his ceasing to be a Fellow.

18. (1) The Ordinary Fellows shall, save as herein otherwise provided, hold office for five years. Term of office of Ordinary Fellows.

(2) An Ordinary Fellow who has vacated his office may, subject to the provisions of this Act, be elected or nominated to be an Ordinary Fellow.

19. (1) The Chancellor may, on the recommendation of the Senate supported by a majority of not less than two-thirds of the number of Fellows present at the meeting and such majority comprising not less than one-half of the total number of Fellows, cancel the appointment of an Ordinary Fellow of the University if in his opinion, he has been convicted by a court of law of any offence which is serious and involves moral turpitude or if he has been guilty of disgraceful conduct : Appointment of Fellow may be cancelled.

Provided that the Senate shall give to the Fellow concerned an opportunity to be heard in his defence before making such recommendation.

(2) As soon as such order is notified in the *Official Gazette*, such person shall cease to be a Fellow ; and he shall not be eligible for re-appointment or re-election until the disqualification has been removed by the Chancellor by a notification in the *Official Gazette*.

20. (1) Subject to such conditions as may be provided by or under the provisions of this Act, the Senate shall exercise the following powers and perform the following duties, namely :— Powers and duties of Senate.

(i) to make provision for instruction, teaching and practical training in such branches of learning and courses of study, as it may think fit, for research and for the advancement of learning, dissemination of knowledge and improvement of technical skill ;

(ii) to make such provision as will enable affiliated colleges and recognized institutions to undertake specialization of studies and to organize and make provision for University laboratories, libraries, museums and other equipment for teaching and research ;

(iii) to establish and maintain colleges, departments, hostels and institutions of research and specialized studies ;

(iv) to institute and maintain professorships, readerships, lectureships and other posts of teachers required by the University ;

(v) to institute and maintain fellowships, travelling fellowships, scholarships, studentships, exhibitions and medals ;

(vi) to institute and confer degrees, diplomas and other academic distinctions ;

(vii) to confer, on the recommendation of the Syndicate, honorary degrees or other academic distinctions ;

(viii) to make, amend or repeal Statutes ;

(ix) to consider the annual accounts and the annual financial estimates placed before it by the Syndicate and pass them with such modifications as the Senate may deem fit ;

(x) to consider and cancel or refer back, but not amend, Ordinances ;

(xi) to consider the annual reports and to pass resolutions on and adopt such reports ;

(xii) to elect office-bearers and authorities as provided in this Act and the Statutes ;

(xiii) to make grants from the funds of the University for the purposes of the National Cadet Corps ;

(xiv) to make provision for the physical and military training of students ;

(xv) to provide for training for competitive examinations for services under the Union or the State Governments ;

(xvi) to lay down scales of salaries and conditions of employment of members of the staff in constituent colleges and constituent recognized institutions, and to ensure the observance of the same through the Syndicate ;

(xvii) to exercise such powers and perform such duties as may be conferred or imposed upon it by or under this Act ;

(xviii) to exercise such other powers and perform such other duties as may be necessary to give effect to the provisions of this Act.

(2) The powers and duties under clauses (i) to (vi) of sub-section (1) shall not be exercised except upon recommendations made by the Syndicate.

Meetings of
the Senate.

21. (1) The Senate shall on a date to be fixed by the Vice-Chancellor meet once a year at a meeting to be called the annual meeting of the Senate.

(2) The Vice-Chancellor may whenever he thinks fit and shall upon a requisition in writing signed by not less than fifteen members of the Senate convene a special meeting of the Senate.

(B) Syndicate.

The
Syndicate.

22. (1) The Syndicate shall be the executive authority as well as the academic body of the University and shall consist of the following, namely :—

(a) The Vice-Chancellor,

(b) The Director of Education or his nominee who shall not be lower in rank than that of a Deputy Director of Education,

(c) Principals of degree colleges,

(d) Seven persons elected by the Senate in accordance with the Statutes from among the Fellows of whom two shall be the representatives of the Charutar Vidya Mandal, one shall be the representative of the Birla Education Trust and one shall be the representative of the Institute of Agriculture :

Provided that a member elected under clause(d) shall cease to hold office as such member if he ceases to occupy the office or to come under the designation which entitled him to be so elected.

(2) The term of office of the elected members of the Syndicate shall be three years.

(3) If for any reason whatsoever the elected member remains absent from four consecutive ordinary meetings of the Syndicate, he shall vacate his seat on the Syndicate.

23. (1) Subject to such conditions as may be prescribed by or under the provisions of this Act, the Syndicate shall have the following powers and perform the following duties, namely :—

(i) to hold, control and administer the property and Funds of the University ;

(ii) to enter into, vary, carry out and cancel contracts on behalf of the University in the exercise or performance of, the powers and duties assigned to it by this Act and the Statutes ;

(iii) to determine the form of, provide for the custody and regulate the use of the common seal of the University ;

(iv) to administer funds placed at the disposal of the University for specific purposes ;

(v) to prepare the annual accounts and to frame the annual financial estimates of the University and to submit them to the Senate ;

(vi) subject to clause (ix) of sub-section (1) of section 20, at any time during an official year,—

(a) to reduce the amount of the budget grant,

(b) to sanction the transfer of any amount within a budget grant from one minor head to another or from a subordinate head under one minor head to a subordinate head under another minor head, or

(c) to sanction the transfer of any amount not exceeding rupees five thousand within a minor head from one subordinate head to another or from one primary unit to another ;

(vii) to make provision for buildings, premises, furniture, apparatus, books and other means needed for carrying on the work of the University ;

(viii) to accept on behalf of the University trusts, bequests, donations and transfers of any movable or immovable property to the University ;

(ix) to transfer any movable or immovable property on behalf of the University ;

(x) to manage and regulate the finances, accounts and investments of the University ;

(xi) to institute—

(a) a Printing and Publication Department ;

(b) an Information Bureau ; and

(c) an Employment Bureau ;

(xii) to make provision for—

(a) (i) extra-mural teaching and research ; and

(ii) University Extension activities ;

(b) Physical and military training ;

(c) Students' Union ;

(d) Sports and athletic clubs ; and

(e) Students' welfare ;

(xiii) to manage colleges, departments, institutions of research or specialized studies, laboratories, libraries, museums and hostels maintained by the University ;

(xiv) to recognize hostels and to provide housing accommodation for teachers of the University ;

(xv) to arrange for and direct the inspection of affiliated colleges, recognized institutions and hostels, and to issue instructions for maintaining their efficiency and for ensuring proper conditions of employment for members of their staff, and payment of adequate salaries, and, in case of disregard of such instructions, to recommend to the Senate modifications of the conditions of affiliation or taking of such other steps as it deems proper in that behalf ;

(xvi) to call for reports, returns and other information from affiliated colleges, recognized institutions or hostels ;

(xvii) to supervise and control the admission, conduct and discipline of the students of the University and to supervise and control their residence and to make arrangements for promoting their health and general welfare ;

(xviii) to recommend to the Senate the conferment of honorary degrees, and academic distinctions in the manner prescribed by Statutes ;

(xix) to award fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes ;

(xx) to appoint Heads of Departments in accordance with Statutes ;

(xxi) save as otherwise provided by this Act, or the Statutes, to appoint on the recommendation of a committee of selection, if any, as required by this Act or Statutes, the officers (other than the Chancellor and the Vice-Chancellor), teachers and servants of the University, to define their duties and the conditions of their service, and to provide for the filling of temporary vacancies in their posts ;

(xxii) to recognize a member of the staff of an affiliated college or recognized institution as a teacher of the University and withdraw such recognition ;

(xxiii) to lay down courses of studies ;

(xxiv) to arrange for co-ordination of studies and teaching in University and affiliated colleges and in recognised institutions ;

(xxv) to hold and conduct examinations ;

(xxvi) to lay down conditions on which students shall be admitted to examinations ;

(xxvii) to grant exemptions to students from approved courses of studies in the University or in affiliated colleges or recognised institutions for qualifying for degrees, diplomas and other academic distinctions ;

(xxviii) to appoint examiners, to fix their remuneration and to arrange for the conduct of, and for publishing the results of the University examinations and other tests ;

(xxix) to fix, demand and receive such fees and other charges as may be prescribed by the Ordinances ;

(xxx) to make, amend and cancel Ordinances ;

(xxxi) to exercise such other powers and perform such other duties as may be conferred or imposed on it by or under this Act ;

(xxxii) to delegate any of its powers to the Vice-Chancellor, the Registrar or such other officer of the University or a Committee appointed by it as it may deem fit.

(2) The Syndicate shall make a report to the Senate about all acceptances or transfers of property referred to in clause (viii) of sub-section (1).

(3) The Syndicate shall not transfer any immovable property without the previous sanction of the Senate.

(C) *The Faculties.*

24. (1) The University shall institute the Faculties of Arts, Science, Technology ^{The} including Engineering, Commerce, Agriculture and such other Faculties as may be ^{Faculties.} constituted by the Senate by Statutes from time to time. Each Faculty shall comprise such subjects as may be prescribed by the Statutes.

(2) Each Faculty shall consist of—

- (a) members of the Boards of Studies for the subjects comprised in the Faculty ;
- (b) such Fellows as are assigned to that Faculty by the Senate.

(3) The powers and duties of the Faculties and the conditions governing the terms of offices of their members shall be as prescribed by the Statutes.

25. There shall be a Dean of each Faculty who shall be appointed by the ^{Deans of} Syndicate in accordance with the Statutes. The term and conditions of the office ^{Faculties.} of a Dean shall be as prescribed by the Ordinances.

(D) *Boards of Studies.*

26. (1) There shall be a Board of Studies for every subject or group of subjects ^{Boards of} as may be prescribed by the Statutes. ^{Studies.}

(2) The constitution, powers and duties of the Boards of Studies shall be as prescribed by the Statutes.

(E) *The Board of Post-Graduate Studies and Research.*

27. (1) There shall be a Board of Post-Graduate Studies and Research to deal ^{Board of} with all matters relating to post-graduate instruction and research in the various ^{Post-} subjects taught in the University. ^{Graduate} ^{Studies} ^{and} ^{Research.}

(2) The constitution, powers and duties of the Board shall be as prescribed by the Statutes.

(F) *Other University bodies.*

28. The constitution, powers and duties of such other bodies as may be declared ^{Other} by the Statutes to be the authorities of the University shall be as prescribed by the ^{University} Ordinances. ^{bodies.}

(G) *Committees.*

29. (1) No person shall be appointed as a professor or reader of the University ^{Committee of} except on the recommendation of a Committee of Selection constituted for the ^{Selection for} purpose. ^{appointment} ^{of teachers} ^{of} ^{University.}

(2) The members of the Committee shall be—

- (i) the Vice-Chancellor—*ex-officio* Chairman ;
- (ii) the Dean of the Faculty in the subject ;
- (iii) the Head of the Department concerned ;
- (iv) four persons having special knowledge of the subject for which the professor or reader is to be appointed to be selected by the Syndicate :

Provided that two of them shall be persons who are not Fellows or members of any Faculty or teachers of the University.

(3) The Committee shall investigate the merits of the various candidates and such other persons, if any, as the Committee may recommend as duly qualified for the vacant post but who have not applied for it and shall report to the Syndicate the names, arranged in order of merit, of persons, if any, whom it considers to be suitable for the vacant post.

(4) The Syndicate shall make the final selection out of the persons, if any, so recommended :

Provided that where the Syndicate makes the appointment otherwise than in accordance with the order of merit arranged by the Committee, the Syndicate shall record its reasons for doing so :

Provided further that if the Committee reports to the Syndicate the name of one person only and if the person so reported is not acceptable to the Syndicate, the Syndicate shall record its reasons for not accepting the name and communicate them to the Committee and may advertise the vacancy again and direct the Committee to report to the Syndicate in the manner provided in sub-section (3).

(5) Nothing in sub-sections (1) to (4) shall apply to a temporary appointment of a person—

- (i) as a professor or reader for a period not exceeding one year, or
- (ii) as a professor or reader where his services are obtained on loan for a period not exceeding two years :

Provided that no such temporary appointment shall be renewed or continued for any further period without fulfilling the requirements of this section.

Recognition
of teachers of
University
in post-
graduate
subjects.

30. No person shall be recognized as a teacher in post-graduate subjects of the University except on the recommendation of the Board of Post-graduate Studies and Research.

Appoint-
ment of
examiners.

31. (1) A Committee for each Faculty shall be formed every year for the purpose of drawing up lists for appointments to University examinations.

(2) The members of the Committee shall be—

- (i) the Vice-Chancellor—*ex-officio* Chairman,
- (ii) the Dean of the Faculty,
- (iii) two members appointed by the Syndicate,
- (iv) the Chairman of the Board of Studies in the particular subject.

(3) The Committee shall draw up the lists from among persons included in panels to be prepared by the Boards of Studies. The lists so drawn up shall be submitted for approval to the Syndicate. The Syndicate shall make the appointments of examiners :

Provided that no change in the lists shall be suggested or made by the Syndicate except by passing a special resolution stating the specific grounds on which each change suggested or made is based.

(4) If any examiner is unable to act for any cause and a fresh appointment cannot be made in time by the Syndicate, the Vice-Chancellor shall appoint another examiner to fill the vacancy and shall report such appointment to the Syndicate.

(5) No member of the Syndicate or of the Committee shall be appointed as an examiner except by a special resolution of the Syndicate passed by two-thirds majority of the members present.

32. All the authorities of the University shall have power to appoint committees. Such committees may include persons who are not members of the authority appointing the committee :

Provided that the Faculties, Boards of Studies and other Boards or Bodies shall not appoint persons who are not members of the authority appointing the committee to such committees except with the previous sanction of the Vice-Chancellor.

CHAPTER V.

ENROLMENT AND DEGREES.

33. No student shall be enrolled as a student of the University unless he has passed—

(i) the Secondary School Certificate Examination conducted by the Secondary School Certificate Examination Board in such subjects and with such standards of attainment as may be prescribed by the Statutes ; or

(ii) the Entrance Examination, if any, which may be instituted by the University with the consent of the State Government, and held in such subjects and in such manner as may be prescribed by the Statutes ; or

(iii) any other examination prescribed as equivalent to the examinations referred to in clauses (i) and (ii) and possesses such other qualification, if any, as may be prescribed by the Statutes.

34. Save on the recommendation of the Syndicate by special order of the Senate, and subject to any Statutes and Ordinances made in this behalf, no person shall be admitted as a candidate at any University examination other than an examination for entrance, unless he produces a certificate from an affiliated college or a recognized institution, as the case may be, to the effect that he has completed the course of instruction prescribed :

Provided that the Senate may make Statutes exempting students or a class of students from producing such a certificate.

35. The Senate may institute and confer such degrees and grant such diplomas and other academic distinctions in respect of degrees and examinations as may be prescribed by the Statutes.

36. If not less than two-thirds of the members of the Syndicate recommend that an honorary degree be conferred on any person on the ground that he is in their opinion, by reason of eminent position and attainments, a fit and proper person to receive such a degree and where their recommendation is supported by not less than two-thirds of the Fellows present at a meeting of the Senate and is confirmed by the Chancellor, the Senate may confer on such person the honorary degree so recommended without requiring him to undergo any examination.

Removal from membership of University and withdrawal of degree or diploma.

37. (1) The Chancellor may, on the recommendation of the Syndicate and of the Senate supported by a majority of not less than two-thirds of the members of each body present at its meeting, such majority comprising not less than one-half of the members of each body, remove the name of any person from the register of graduates or withdraw from any person a diploma or degree or other academic distinctions if he has been convicted by a court of law of any offence which, in the opinion of the Syndicate and the Senate, is a serious offence involving moral turpitude or if he has been guilty of disgraceful conduct.

(2) No action under this section shall be taken unless the person concerned is given an opportunity to be heard in his defence in the manner prescribed by the Statutes.

CHAPTER VI.

FINANCE.

University Fund.

38. (1) The University shall establish a fund to be called the University Fund.

(2) The following shall form part of, or be paid into, the University Fund :—

- (a) any contribution or grant by Government,
- (b) the income of the University from all sources including income from fees and charges,
- (c) trusts, bequests, donations, endowments and other grants, if any.

(3) The University Fund shall be kept in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934, or in a co-operative bank approved by the State Government for the purpose or invested in securities authorized by the Indian Trusts Act, 1882, at the discretion of the Syndicate. II of 1934.
II of 1882.

(4) Nothing in this section shall in any way affect any obligations accepted by or imposed upon the University by any declarations of trust executed by or on behalf of the University for the administration of any trust.

Annual accounts and financial estimates.

39. (1) The annual accounts of the University shall be prepared under the direction of the Syndicate and shall be submitted to the State Government for audit.

(2) The accounts when audited shall be published by the Syndicate and a copy thereof shall, together with a copy of the audit report, be submitted to the Senate.

(3) The Syndicate shall also prepare, before such date as may be prescribed by the Statutes, the financial estimates for the ensuing year. The annual accounts and the financial estimates shall be considered by the Senate at its annual meeting and may be passed with such modifications as the Senate may deem fit.

Annual report.

40. The annual report of the University shall be prepared under the direction of the Syndicate and shall be submitted to the Senate on or before such date as may be prescribed by the Statutes and shall be considered by the Senate at the annual meeting. The Senate shall adopt the report with modifications, if any, which it may direct the Syndicate to make therein in accordance with the resolutions passed by the Senate in that behalf.

CHAPTER VII.

STATUTES AND ORDINANCES.

Statutes.

41. Subject to the provisions of this Act, the Senate may, from time to time, make Statutes for all or any of the following matters, namely :—

- (a) the declaration of any person to be a "teacher" under clause (20) of section 2 ;

(b) the declaration of other bodies to be the authorities of the University as provided in clause (6) of section 14 ;

(c) the manner of election of Fellows and the members of the Syndicate, and the terms and conditions of their office, registration of graduates and maintenance of a register of registered graduates and the filling up of casual vacancies in the Senate and the Syndicate ;

(d) the powers of the Vice-Chancellor ;

(e) the conditions of service of the Registrar and the officers and servants of the University ;

(f) the constitution, reconstitution or abolition of Faculties and the powers and duties of Faculties ;

(g) the procedure at a meeting of the Senate, the Syndicate, the Boards of Studies, and the Board of Post-graduate Studies and Research and the quorum of members to be required for the transaction of business ;

(h) the constitution, powers, duties and functions of Boards of Studies and the allocations of Boards among the Faculties ;

(i) the constitution, powers and duties of the authorities of the University save as provided in this Act ;

(j) the institution and conferment of degrees and the granting of diplomas, and other academic distinctions in respect of degrees and examinations ;

(k) recognition as registered graduates of persons who are graduates of any other University ;

(l) the institution of pension or provident fund or both for the benefit of the officers, teachers and other servants of the University ;

(m) qualifications of professors, readers, lecturers and other teachers in affiliated colleges and recognized institutions ;

(n) all matters which, by this Act, are to be or may be prescribed by the Statutes ;

(o) any other matter which is necessary to give effect to the provisions of this Act.

42. (1) The Statutes may be made, amended or repealed by the Senate in the manner hereinafter provided. Statutes,
their fram-
ing,
amendment,
repeal and
operation.

(2) The Senate may take into consideration the draft of a Statute either of its own motion or on a proposal by the Syndicate. In the case of a draft which is not prepared by the Syndicate, the Senate, before considering the same, shall obtain the opinion of the Syndicate :

Provided that if the Syndicate fails to submit its opinion within three months from the date it receives the draft, the Senate may proceed to take the draft into consideration.

(3) The Senate, if it thinks necessary, may also obtain the opinion of any other authority of the University in regard to any draft Statute which is before it for consideration.

(4) Every Statute passed by the Senate shall be submitted to the Chancellor who may give or withhold his assent thereto or refer it back to the Senate for consideration.

(5) No Statute passed by the Senate shall be valid or shall come into force until assented to by the Chancellor.

Ordinances,
their making
and scope.

43. (7) Subject to the provisions of this Act and the Statutes, the Syndicate may frame Ordinances to provide for all or any of the following matters, namely :—

- (a) the admission of students to the University ;
- (b) the courses of study to be laid down for all degrees, diplomas and certificates of the University ;
- (c) the conditions under which students shall be admitted to the courses of studies for degrees, diplomas and other academic distinctions and to the examinations of the University and be eligible for degrees, diplomas and other academic distinctions and the form of the certificate to be produced by a candidate for examination under section 34 and the conditions on which any such certificate may be granted ;
- (d) the recognition and inspection of hostels ;
- (e) the conduct and discipline of students and conditions of their residence ;
- (f) the number, qualifications and conditions of appointment of teachers of the University ;
- (g) the fees to be charged, for courses of instruction in, or on behalf of, the University given by teachers of the University, for tutorial and supplementary instruction given by or on behalf of the University, upon admission into the University and for continuance therein, for admission to the examination, degrees and diplomas of the University, for the registration of graduates and for other purposes of a like nature ;
- (h) the conditions of appointment and the duties of examiners ;
- (i) the conduct of examinations ;
- (j) the conduct of business of each Faculty ;
- (k) the duties and powers of the Boards and Committees to be appointed by the University jointly with any other University or body ;
- (l) the powers and duties of the Registrar and other officers and servants of the University ;
- (m) the discipline to be enforced in regard to the graduates and undergraduates in so far as they come within the jurisdiction of the University for purposes of study and examination ;
- (n) the extension of University teaching in any suitable centre within the University area by means of University extension lectures or otherwise ;
- (o) the rules to be observed and enforced by affiliated colleges and recognized institutions in respect of transfer of students ;
- (p) the fees (if any) to be paid for entry or retention of a name on any register ;
- (q) the inspection of affiliated colleges and recognized institutions and the reports, returns and other information to be furnished by such colleges and recognized institutions ;
- (r) the registers of students to be kept by affiliated colleges and recognized institutions ;
- (s) the duties of teachers of the University ;
- (t) the mode of execution of contracts or agreements by or on behalf of the University ; and

(u) generally, all matters which by this Act or by the Statutes may be provided for by the Ordinances and all matters for which provision is, in the opinion of the Syndicate, necessary for the exercise of the powers conferred, or the performance of the duties imposed, on the Syndicate by this Act or the Statutes.

(2) All Ordinances made by the Syndicate shall, except as otherwise provided by this Act, have effect from such date as it may direct; but every Ordinance so made shall be laid on the table of the Senate as soon as may be, and shall be considered by the Senate at its next meeting. The Senate shall have power, by a resolution passed by a majority of not less than two-thirds of the members present at such meeting, to cancel or refer for reconsideration but not to amend any such Ordinance.

(3) The Vice-Chancellor shall, on the application of not less than forty members of the Senate, suspend the operation of any such Ordinance until the Senate has considered it as provided in sub-section (2).

CHAPTER VIII.

AFFILIATION AND RECOGNITION.

44. (1) A college applying for affiliation to the University shall send an application in writing to the Registrar and shall satisfy the Syndicate—

(a) that the college is to be under the management of a regularly constituted governing body;

(b) that the strength and qualifications of the teaching staff and the conditions governing their tenure of office are such as to make due provision for the courses of instruction, teaching or training to be undertaken by the college;

(c) that the buildings in which the college is to be located are suitable, and that provision will be made, in conformity with the Ordinances, for the residence, in the college hostel or in lodgings approved by the college, of students not residing with their parents or guardians, and for the supervision and welfare of students;

(d) that due provision has been made or will be made for a library;

(e) where affiliation is sought in any branch of experimental science, that arrangements have been or will be made in conformity with the Statutes and Ordinances for imparting instruction in that branch of science in a properly equipped laboratory or museum;

(f) that due provision will, as far as circumstances may permit, be made for the residence of the Principal and some members of the teaching staff in or near the college or the place provided for the residence of students;

(g) that the financial resources of the college are such as to make due provision for its continued maintenance and efficient working; and

(h) that the college rules fixing the fees (if any) to be paid by the students have not been so framed as to involve such competition with any existing college in the same neighbourhood as would be injurious to the interests of education.

The application shall further contain an assurance that after the college is affiliated, any transference of management and all changes in the teaching staff and all other changes which may result in any of the aforesaid requirements not being fulfilled or continued to be fulfilled shall be forthwith reported to the Syndicate.

(2) On receipt of a letter of application under sub-section (1) the Syndicate shall—

(a) direct a local inquiry to be made by a competent person or persons authorized by the Syndicate in this behalf in respect of the matters referred to in sub-section (1) and such other matters as may be deemed necessary and relevant;

(b) make such further inquiry as may appear to it to be necessary ; and

(c) report to the Senate its opinion on the question whether the application should be granted or refused, either in whole or in part, embodying in such report the results of any inquiry under clauses (a) and (b).

(3) On receipt of the report under clause (c) of sub-section (2), the Senate shall, after such further inquiry as may appear to it to be necessary, record its opinion.

(4) The Registrar shall submit the application and all proceedings, if any, of the Syndicate and the Senate relating thereto to the State Government which, after such inquiry as may appear to it to be necessary, shall grant or refuse the application or any part thereof.

(5) Where the application or any part thereof is granted, the order of the State Government shall specify the courses of instruction in respect of which the college is affiliated, and, where the application or any part thereof is refused, the grounds of such refusal shall be stated.

(6) As soon as possible after the State Government makes its order, the Registrar shall submit to the Senate a full report regarding the application, the action taken thereon under sub-sections (2) to (5) and of all proceedings connected therewith.

(7) An application under sub-section (1) may be withdrawn at any time before an order is made under sub-section (4).

Extension of
affiliation.

45. Where a college desires to add to the courses of instruction in respect of which it is affiliated the procedure prescribed by section 44 shall, so far as may be, be followed.

Recognition
of institutions
of research
and specializ-
ed studies.

46. (1) The Syndicate shall have the power to recognize as a recognized institution any institution of research or specialized studies other than a college.

(2) An institution applying for recognition under this section shall send an application in writing to the Registrar and shall give full information in the application in respect of the following matters, namely:—

(a) constitution and personnel of the managing body ;

(b) subjects and courses in regard to which recognition is sought ;

(c) accommodation, equipment and the number of students for whom provision has been or is proposed to be made ;

(d) the strength of the staff, their qualifications and salaries and the research work done by them ;

(e) fees levied or proposed to be levied and the financial provision made for capital expenditure on buildings and equipment and for the continued maintenance and efficient working of the institution.

(3) Before taking the application into consideration, the Syndicate may call for any further information which it may deem necessary.

(4) If the Syndicate decides to take the application into consideration, it may direct a local inquiry to be made by a competent person or persons authorized by it in this behalf. After considering the report made as a result of such local inquiry and making such further inquiry as may appear to it to be necessary, the Syndicate shall grant or refuse the application or any part thereof. Where the application

or any part thereof is granted, the Syndicate shall specify the subjects and the courses of instruction in respect of which the institution is recognized and make a report to that effect for information to the Senate at their next succeeding meeting. Where the application or any part thereof is refused, the grounds of such refusal shall be stated.

47. (1) Every affiliated college and every recognized institution shall furnish such reports, returns and other information as the Syndicate may require to enable it to judge the efficiency of the college or institution. Inspection of colleges and institutions and reports.

(2) The Syndicate shall cause such college or institution to be inspected from time to time by one or more competent persons authorized by the Syndicate in this behalf.

(3) The Syndicate may call upon any such college or institution so inspected to take, within a specified period, such action as may appear to it to be necessary in respect of any of the matters referred to in sub-section (1) of section 44 or sub-section (2) of section 46, as the case may be.

48. (1) The rights conferred on a college by affiliation may be withdrawn in whole or in part or modified, if the college has failed to carry out any of the provisions of sub-section (1) of section 44 or the college has failed to observe any of the conditions of its affiliation or the college is conducted in a manner which is prejudicial to the interests of education. Withdrawal of affiliation.

(2) A motion for the withdrawal or modification of such rights shall be moved in the Syndicate. A member of the Syndicate who intends to move that the rights conferred on any college by affiliation be withdrawn in whole or in part or modified, shall give notice of his motion and shall state in writing the grounds on which the motion is made.

(3) Before taking the said motion into consideration, the Syndicate shall send a copy of the notice and written statement mentioned in sub-section (2) to the Principal of the college concerned, together with an intimation that any representation in writing submitted within a period specified in such intimation on behalf of the college will be considered by the Syndicate :

Provided that the period so specified may, if necessary, be extended by the Syndicate.

(4) On receipt of the representation or on expiration of the period referred to in sub-section (3), the Syndicate, after considering the notice of motion, statement and representation and after such inspection by any competent person or persons authorized by the Syndicate in this behalf, and such further inquiry as may appear to it to be necessary shall make a report to the Senate.

(5) On receipt of the report under sub-section (4), the Senate shall, after such further inquiry (if any) as may appear to it to be necessary, shall record its opinion on the matter :

Provided that no resolution of the Senate recommending the withdrawal of the affiliation shall be deemed to have been passed by it unless the resolution has obtained the support of not less than one-half of the members of the Senate.

(6) The Registrar shall submit the proposal and all proceedings, if any, of the Syndicate and the Senate relating thereto, to the State Government, which, after such further inquiry as may appear to it to be necessary, shall make such order as it thinks fit.

(7) Where by an order made under sub-section (6), the rights conferred by affiliation are withdrawn in whole or in part or modified, the ground for such withdrawal or modification shall be stated in the order.

Withdrawal
or suspension
of recognition
of institution.

49. (1) The rights conferred on an institution by recognition may be withdrawn or suspended for any period if the institution has failed to observe any of the conditions of its recognition or the institution is conducted in a manner which is prejudicial to the interest of education.

(2) A motion for such withdrawal or suspension shall be initiated only in the Syndicate. The member of the Syndicate who intends to move such a motion shall give notice of it and shall state in writing the grounds on which it is made.

(3) Before taking the said motion into consideration, the Syndicate shall send a copy of the notice and written statement mentioned in sub-section (2) to the head of the institution concerned, together with an intimation that any representation in writing submitted within a period specified in the intimation on behalf of the institution will be considered by the Syndicate :

Provided that the period so specified may, if necessary, be extended by the Syndicate.

(4) On receipt of the representation or on the expiry of the period referred to in sub-section (3), the Syndicate after considering the notice of motion, statement and representation and after such inspection by any competent person or persons authorized by the Syndicate in this behalf, and after such further inquiry as may appear to it to be necessary shall decide whether the recognition should be withdrawn or suspended, as the case may be :

Provided that the recognition shall not be withdrawn or suspended unless a resolution of the Syndicate to that effect is supported by not less than one-half of the members of the Syndicate.

CHAPTER IX.

ORGANIZATION WITHIN THE UNIVERSITY AREA AND CONTROL OVER INSTITUTIONS OUTSIDE THE UNIVERSITY AREA.

Constituent
colleges and
institutions.

50. (1) All university colleges and the colleges specified in Schedule II and all colleges within the University Area which may hereafter be affiliated to the University shall be the constituent colleges of the University.

(2) All institutions within the University Area recognized under section 46 shall be the constituent recognized institutions of the University.

(3) All colleges and institutions outside the University Area admitted to the privileges of the University under sub-section (4) of section 5 shall respectively be the affiliated colleges and recognized institutions.

(4) The relations of the constituent colleges and constituent recognized institutions and the affiliated colleges and recognized institutions with the University shall be governed by the Statutes to be made in that behalf, and such Statutes shall provide in particular for the exercise by the University of the following powers in respect of such colleges and institutions :—

(i) to lay down minimum educational qualifications for the different classes of teachers and tutorial staff employed by such colleges and institutions and the conditions of their service,

(ii) to approve the appointment of the teachers made by such colleges and institutions,

(iii) to require each such college and institution to contribute a prescribed quota of recognized teachers in any subject for teaching on behalf of the University,

(iv) to co-ordinate and regulate the facilities provided by such colleges and institutions in regard to libraries, laboratories and other equipments for teaching and research,

(v) to levy contributions for providing certain facilities from such colleges and institutions and make grants to them, and

(vi) to require satisfactory arrangements for tutorial and similar other work in such colleges and institutions and to inspect such arrangements from time to time.

51. Within the University Area, instruction, teaching and training beyond the stage of the Entrance Examination shall be conducted either by the constituent and affiliated colleges or recognized institutions in such subjects as may be prescribed by the Ordinances. Teaching within the University Area.

52. The medium of instruction, teaching, training and examinations conducted within the University area and in other educational institutions admitted to the privileges of the University under sub-section (4) of section 5 shall be Hindi in Devnagari script. Hindi as medium of instruction and examination.

CHAPTER X.

GENERAL.

53. Every election to any authority of the University made under this Act shall be made by the system of proportional representation by means of the single transferable vote by ballot in such manner as may be prescribed by Statutes : Election to be by the system of proportional representation.

Provided that no vote shall be recorded by post or by proxy.

54. Save as provided in sub-section (1) of section 17, any member of any authority or body of the University may resign his office by letter addressed to the Registrar. Resignation by member.

55. When any vacancy occurs in the office of a Fellow or member of any authority of the University before the expiry of the term of office of such Fellow or member, the vacancy shall be filled up as soon as conveniently may be by the election, nomination or appointment, as the case may be, of a Fellow or member who shall hold office so long only as the Fellow or member in whose place he has been elected, nominated or appointed would have held it, if the vacancy had not occurred : Casual vacancies.

Provided that, notwithstanding anything contained in section 15, if the vacancy be of a Fellow and occurs within six months preceding the date on which the term of office of the Fellow expires, the vacancy shall not be filled, if the Fellow be an elected Fellow.

Conditions
of service.

56. Save as otherwise provided by or under this Act, every salaried officer and teacher of the University shall be appointed under a written contract. The contract shall be lodged with the Registrar of the University and a copy thereof shall be furnished to the officer or teacher concerned.

Pension,
insurance
and
provident
fund.

57. The University shall make adequate provisions for the benefit of its officers, teachers and other servants in matters of insurance, pension and provident fund or for other benefits as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.

Proceedings
not invali-
dated by
vacancy.

58. No act or proceeding of any authority or other body of the University shall be invalidated merely by reason of any vacancy in its membership.

Disputes
as to consti-
tution of
University
authority or
body.

59. If any question arises regarding the interpretation of any provision of this Act or of any Statute, Ordinance, or rule, or as to whether a person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter may be referred to the Chancellor and shall be so referred to him if ten Fellows so require. The Chancellor shall, after taking such advice as he deems necessary, decide the question and his decision shall be final.

Protection of
acts and
orders.

60. All acts and orders in good faith done and passed by the University or any of its authorities, bodies or officers shall be final and no suit shall be instituted against or damage claimed from the University or its authorities, bodies or officers for anything purporting to be done in pursuance of the Act and the Statutes, Ordinances, and rules framed thereunder.

CHAPTER XI.

TRANSITORY PROVISIONS.

Completion
of courses of
students
in colleges
affiliated to
the Gujarat
University.

61. Notwithstanding anything contained in this Act, or the Statutes, and Ordinances made thereunder, any student of a college situate within the University area and affiliated to the Gujarat University who immediately before the date on which section 5 came into force was studying or was eligible for any examination of the Gujarat University shall be permitted to complete his course in preparation therefor, and the University shall provide for such period and in such manner as may be prescribed by the Statutes for the instruction, teaching, training and examination of such students in accordance with the course of studies of the Gujarat University.

Appointment
of the first
Vice-
Chancellor.

62. Notwithstanding anything contained in section 10, the person holding the office of the Chairman of the Charutar Vidya Mandal on the date of the coming into force of this section shall be entitled to be the first Vice-Chancellor. He shall be appointed as the first Vice-Chancellor by the State Government for such period not exceeding three years and on such terms and conditions as the State Government thinks fit.

63. Notwithstanding anything contained in section 12, the first Registrar shall be appointed by the State Government as soon as practicable after the passing of this Act for a period not exceeding three years and on such conditions as the State Government thinks fit.

64. (1) It shall be the duty of the first Vice-Chancellor—

Transitory powers of the first Vice-Chancellor.

(a) to give recognition to institutions, if any, as far as possible consistently with the provisions of section 46, and

(b) to make arrangements for constituting the Senate, the Syndicate and other authorities of the University,

within six months after the date of his appointment or such longer period not exceeding one year as the State Government may, by notification in the *Official Gazette*, direct.

(2) The first Vice-Chancellor shall with the assistance of the Advisory Committee consisting of not more than ten members nominated by the State Government—

(a) subject to the provisions of this Act and the approval of the Chancellor,

(i) make provisional Statutes necessary for constituting the aforesaid authorities and regulating the procedure at their meetings and the transaction of their business,

(ii) draw up any rules that may be necessary for regulating the method of election to the aforesaid authorities,

(b) frame the first Statutes and Ordinances under this Act and submit them for confirmation to the respective authorities when they commence to exercise their functions.

(3) The authorities constituted under sub-section (1) shall commence to exercise their functions on such date or dates as the State Government may, by notification in the *Official Gazette*, direct.

(4) The Statutes and Ordinances framed by the first Vice-Chancellor shall when confirmed by the respective authorities be published in the *Official Gazette*.

65. (1) At any time after the passing of this Act until such time as the authorities of the University shall commence to exercise their functions—

First appointment of the officers and teachers of the University.

(a) any officer of the University may be appointed by the Vice-Chancellor with the previous sanction of the Chancellor,

(b) teachers of the University may be appointed by the Chancellor after considering the recommendations of an Advisory Committee consisting of the Vice-Chancellor, the Director of Education and such other person or persons, if any, as the Chancellor thinks fit to associate with them.

(2) Any appointment made under sub-section (1) shall be for such period not exceeding three years and on such conditions as the appointing authority thinks fit :

Provided that no such appointment shall be made until financial provision has been made therefor.

Extra-ordinary powers of the first Vice-Chancellor.

66. The Vice-Chancellor appointed under section 62 shall have powers until the Syndicate commences to exercise its functions—

(a) with the previous approval of the Chancellor to make additional Statutes to provide for any matter not provided for by the first Statutes,

(b) to constitute provisional authorities and bodies and on their recommendations to make rules providing for the conduct of the work of the University,

(c) subject to the control of the State Government, to make such financial arrangements as may be necessary to enable this Act or any part thereof to be brought into force,

(d) with the sanction of the Chancellor to make for a period not exceeding three years such appointments as may be necessary to enable this Act or any part thereof to be brought into force,

(e) to appoint any Committee as he may think fit, to discharge such of his functions as he may direct, and

(f) generally to exercise all or any of the powers conferred on the Syndicate by or under the provisions of this Act.

Removal by State Government of difficulties at the commencement of the Act.

67. If any difficulty arises as to the first constitution or re-constitution of any authority of the University after the coming into force of this Act or otherwise in first giving effect to the provisions of this Act, the State Government, as occasion may require, may by order do anything which appears to it necessary for the purpose of removing the difficulty.

SCHEDULE I.

[See section 2 (23).]

The University Area shall comprise the area within the limits of Vallabh Vidyanagar in the Anand Taluka of the Kaira District and the area within a radius of five miles from the office of the University situated at Vallabh Vidyanagar.

SCHEDULE II.

(See section 50.)

- (1) The Vitthalbhai Patel Mahavidyalaya.
- (2) The Birla Vishvakarma Mahavidyalaya.
- (3) The Bhikhabhai Jivabhai Vanijya Mahavidyalaya.
- (4) The Bansilal Amritlal College of Agriculture.

THE BOMBAY APPROPRIATION (SECOND EXCESS EXPENDITURE) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Issue of Rs. 26,57,68,939 out of the Consolidated Fund of the State of Bombay for the year 1951-52.
3. Appropriation.

BOMBAY ACT No. XLI OF 1955.¹

[THE BOMBAY APPROPRIATION (SECOND EXCESS EXPENDITURE) ACT, 1955.]

[31st October 1955].

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1952.

WHEREAS by virtue of Article 205 of the Constitution of India, read with Article 204 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1952, and for the purpose of authorising the expenditure of the said sums; It is hereby enacted in the Sixth Year of the Republic of India as follows:—

1. This Act may be called the Bombay Appropriation (Second Excess Short title. Expenditure) Act, 1955.

2. From and out of the Consolidated Fund of the State of Bombay, there may be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rs. 26,57,68,939 towards defraying the several charges which have come in course of payment during the year ending on the thirty-first day of March 1952, in respect of the services and purposes specified in column 2 of the Schedule.

Issue of Re.
26,57,68,939
out of the
Consolidated
Fund of the
State of
Bombay
for the
year
1951-52.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1952.

SCHEDULE.

Serial No.	Services and purposes.	Heads of Account.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
1	Stamps ...	9, Stamps ...	51,050	.....	51,050
2	Forest ...	10, Forest ...	.....	338	338
3	Charges on account of Motor Vehicles Acts.	12, Charges on account of Motor Vehicles Acts.	15,623	.....	15,623
4	Appropriation for reduction or avoidance of Debt.	23, Appropriation for reduction or avoidance of Debt.	.....	45,69,440	45,69,440

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, page 425.

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Account.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
5	General Administration.	25, General Administration.	10,90,146	.....	10,90,146
6	Administration of Justice.	27, Administration of Justice.	3,66,472	.....	3,66,472
7	Jails and Convict Settlements.	28, Jails and Convict Settlements.	24,69,816	.....	24,69,816
8	Police ...	29, Police ...	10,92,158	.....	10,92,158
9	Public Health ...	39, Public Health ...	81,622	.....	81,622
10	Civil Works ...	50, Civil Works ...	.....	14,154	14,154
11	Famine ...	54, Famine ...	.....	10,69,586	10,69,586
		54-B, Transfer to Famine Relief Fund.			
12	Political Pensions ...	54-A, Territorial and Political Pensions.	3,34,154	.....	3,34,154
13	Superannuation Allowances and Pensions.	55, Superannuation Allowances and Pensions.	11,18,769	.....	11,18,769
14	Stationery and Printing.	56, Stationery and Printing.	20,00,877	.....	20,00,877
15	Miscellaneous ...	57, Miscellaneous ...	27,35,263	200	27,35,463
16	Civil Defence ...	64-B, Civil Defence ...	1,232	.....	1,232
		Total, expenditure on Revenue Account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	1,13,57,182	56,53,718	1,70,10,900
17	Electricity Schemes.	81-A, Capital Outlay on Electricity Schemes.	...	1	1
18	Payments of Commuted Value of Pensions.	83, Payments of Commuted Value of Pensions.	2,02,922	...	2,02,922
19	Payments to Retrenched Personnel.	85, Payments to Retrenched Personnel.	20,211	...	20,211
20	State Schemes connected with the State Trading.	85-A, Capital Outlay on State Schemes of Government Trading.	24,84,61,587	...	24,84,61,587
		Total Capital Expenditure outside the Revenue Account.	24,86,84,720	1	24,86,84,721
21	Floating Debt ...	Floating Debt ...	...	73,305	73,305
22	Loans from the Central Government.	Loans from the Central Government.	...	13	13
		Total Disbursement under Debt-Heads.	...	73,318	73,318
		Grand Total ...	26,00,41,902	57,27,037	26,57,68,939

**THE MAHARAJA SAYAJIRAO UNIVERSITY OF BARODA (AMENDMENT)
ACT, 1955.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
- 2-3. [*Amendments made by sections 2 and 3 have been incorporated in the
Maharaja Sayajirao University of Baroda Act, 1949.*]
4. Amendments not to take effect during period of office of existing members.

BOMBAY ACT No. XLII OF 1955.¹

[THE MAHARAJA SAYAJIRAO UNIVERSITY OF BARODA (AMENDMENT) ACT, 1955.]

[3rd November 1955]

An Act further to amend the Maharaja Sayajirao University of Baroda Act, 1949.

Baroda
t
VII
of
1949.

WHEREAS it is expedient further to amend the Maharaja Sayajirao University of Baroda Act, 1949, for the purposes hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Maharaja Sayajirao University of Baroda (Amendment) Act, 1955. Short title.

2-3. [*Amendments made by sections 2 and 3 have been incorporated in the Maharaja Sayajirao University of Baroda Act, 1949.*]

4. The amendments made by sections 2 and 3 of this Act shall not take effect during the period of the term of office of any member of any authority of the University subsisting at the commencement of this Act, and any casual vacancy in respect of such office occurring during the said period shall be filled up as if this Act was not passed. Amendments not to take effect during period of office of existing members.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, page 415.

**THE BOMBAY LOCAL BOARDS AND VILLAGE PANCHAYATS (AMENDMENT)
ACT, 1955.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.
- 2-8. [*Amendments made by sections 2 to 8 have been incorporated in the Bombay Local Boards Act, 1923.*]
- 9-10. [*Amendments made by sections 9 and 10 have been incorporated in the Bombay Village Panchayats Act, 1933.*]
11. Amendments made by sections 2 and 3 to apply to elections held on or after 31st December 1955.

BOMBAY ACT No. XLIII OF 1955.¹

[THE BOMBAY LOCAL BOARDS AND VILLAGE PANCHAYATS (AMENDMENT) ACT, 1955.]

[3rd November 1955]

An Act further to amend the Bombay Local Boards Act, 1923, and the Bombay Village Panchayats Act, 1933.

Bom. WHEREAS it is expedient further to amend the Bombay Local Boards
VI of Act, 1923, and the Bombay Village Panchayats Act, 1933, for the purposes herein-
1923. after appearing ; It is hereby enacted in the Sixth Year of the Republic of India
Bom. as follows :—
VI of
1933.

1. (1) This Act may be called the Bombay Local Boards and Village Panchayats Short title
(Amendment) Act, 1955. and
commence-
ment.

(2) It shall come into force at once ; but sections 5, 6, 9 and 10 shall take effect only from such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

2-8. [*Amendments made by sections 2 to 8 have been incorporated in the Bombay Local Boards Act, 1923.*]

9-10. [*Amendments made by sections 9 and 10 have been incorporated in the Bombay Village Panchayats Act, 1933.*]

11. The amendments made in the Local Boards Act by sections 2 and 3 of this Amendments
Act shall have effect for the purposes of elections of members for any consti- made by
tuency of the local board to be held under the said Act after the 31st December sections 2
1955 and for all subsequent elections. and 3 to
apply to
elections held
on or after
31st
December
1955.

For the purposes of any elections to be held between the period from the date 31st
of the coming into force of this Act and the 31st day of December 1955 (both inclu- December
sive) the list and the supplementary list of voters in force on the date of the coming 1955.
into force of this Act shall continue to operate.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V pages 290-291.

THE PRESIDENCY SMALL CAUSE COURTS (BOMBAY AMENDMENT) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 73 of Act XV of 1882.

BOMBAY ACT No. XLIV OF 1955.¹

[THE PRESIDENCY SMALL CAUSE COURTS (BOMBAY AMENDMENT) ACT, 1955.]

[7th November 1955].

An Act further to amend the Presidency Small Cause Courts Act, 1882, in its application to the State of Bombay.

XV of 1882. WHEREAS it is expedient further to amend the Presidency Small Cause Courts Act, 1882, in its application to the State of Bombay, for the purpose hereinafter appearing; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Presidency Small Cause Courts (Bombay Amend- Short title.
ment) Act, 1955.

XV of 1882. **2.** (1) Section 73 of the Presidency Small Cause Courts Act, 1882, shall be **Amendment of section 73 of Act XV of 1882.** renumbered as sub-section (1) of that section, and in sub-section (1) so renumbered after the words "have been respectively paid" the following proviso and sub-section shall be inserted, namely :—

"Provided that no such fees shall be repaid if the amount of institution fee on the plaint or application does not exceed five rupees or the claim for repayment is not made within one year from the date on which the suit or proceeding was so settled.

(2) The State Government may, from time to time, by order, provide for repayment to the plaintiffs or applicants of any part of the fees paid on plaints or applications by them in suits or proceedings, as the case may be, disposed of under such circumstances and subject to such conditions as may be specified in the order."

(2) For the marginal note to the said section 73, the following shall be substituted, namely :—

"Repayment of fees under certain circumstances."

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, pages 330-331.

THE DABHEL-SIMLAK MADRESSA (REPEALING) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Repeal of Baroda Act II of 1941 and Board of Trustees and Board of Management appointed under the Act to cease to be in office.
3. Madressa to be public trust and regulated under Bombay Public Trusts Act, 1950.
4. Transitory provision for vesting of property of Madressa and its administration.
5. Collector to make application for having entries made in register under section 17 of Bombay XXIX of 1950.
6. Collector to file suit under section 50 of XXIX of 1950.

BOMBAY ACT No. XLV OF 1955.¹

[THE DABHEL-SIMLAK MADRESSA (REPEALING) ACT, 1955.]

[23rd November 1955]

An Act to repeal the Dabhel-Simlak Madressa Act (Baroda Act II of 1941) and to provide for the administration of the trust governed by the said Act.

WHEREAS the Dabhel-Simlak Madressa Act (Baroda Act II of 1941) was enacted by the former Baroda State to provide for the administration of the institution known as the Madressa Jamia-Islamia Dabhel-Simlak ;

Bom. And whereas on the merger of the State of Baroda, the said Act has been continued
IV of in force under section 5 of the Bombay Merged States (Laws) Act, 1950, read with
1950. the Fifth Schedule thereof ;

Bom. And whereas certain donors, trustees and beneficiaries of the said Madressa have
XXIX applied for the repeal of the said Act and to provide for the administration thereof
of under the Bombay Public Trusts Act, 1950 ;
1950.

Bom. And whereas it is expedient to repeal the said Dabhel-Simlak Madressa Act and
XXIX to provide for the administration of the said Madressa under the provisions of the
of Bombay Public Trusts Act, 1950 ; It is hereby enacted in the Sixth Year of the
1950. Republic of India as follows :—

1. (1) This Act may be called the Dabhel-Simlak Madressa (Repealing) Act, Short title
1955. and com-
mencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Bom. 2. (1) The Dabhel-Simlak Madressa Act (Baroda Act II of 1941) (hereinafter
IV of called "the repealed Act") is hereby repealed and the entry relating to that Act
1950. in the Fifth Schedule to the Bombay Merged States (Laws) Act, 1950, is hereby
repealed. Repeal of
Baroda Act
II of 1941
and Board of
Trustees and
Board of
Management
appointed
under the
Act to cease
to be in office.

(2) The Board of Trustees and the Board of Management constituted under the repealed Act shall be dissolved and the members of the said Boards shall cease to be in office.

Bom. 3. From the date on which this Act comes into force, the Madressa Jamia-
XXIX Islamia Dabhel-Simlak together with all its branches (hereinafter called the said
of Madressa) shall be deemed to be a public trust to which the Bombay Public Trusts
1950. Act, 1950 (hereinafter referred to as "the said Act"), applies subject to the provisions of this Act, and shall be deemed to have been registered under the said Act. Madressa to
be public
trust and
regulated
under Bom-
bay Public
Trusts Act,
1950.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, page 282.

Transitory provision for vesting of property of Madressa and its administration.

4. Notwithstanding the repeal of the repealed Act and the application of the said Act to the Madressa, until the settlement of a scheme and the appointments of new trustees are made and the directions are given in a suit filed under section 50 of the said Act by the court competent to act under the said section—

(a) all properties, moveable and immovable, belonging to the said Madressa shall vest, for the time being, in the Collector of the Surat District (hereinafter referred to as the said Collector) as trustee of the said Madressa and the said Collector shall administer the said Madressa and its properties for the purpose of the said Madressa ;

(b) the duties and powers of the said Collector shall be in accordance with sections 12 and 13 of the repealed Act so far as the said provisions are applicable and are not inconsistent with the provisions of the said Act ;

(c) the servants of the Madressa and Mohtamin appointed and holding office immediately before the date of the repeal of the repealed Act shall continue to hold office on the same terms and conditions on which they were appointed, but subject to the control of the said Collector.

Collector to make application for having entries made in register under section 17 of Bom. XXIX of 1950.

5. As soon as after this Act comes into force, it shall be the duty of the said Collector to make an application to the Deputy or Assistant Charity Commissioner of the region or sub-region within the limits of which the said Madressa is situated for having the necessary entries relating to the said Madressa made in the register kept under section 17 of the said Act. The provisions of sections 18, 19, 20, 21 and 22 of the said Act shall, so far as may be, apply to such application, the recording of findings and the making of entries in the register kept under the said section 17.

Collector to file suit under section 50 of Bom. XXIX of 1950.

6. It shall also be the duty of the said Collector to file, as soon as after this Act comes into force, a suit under section 50 of the said Act, in a court competent under the said section 50,—

(a) for the appointment of a new trustee of the said Madressa ;

(b) for the settlement of a scheme for the administration of the said Madressa ;
and

(c) for such other reliefs as may be necessary in the interests of the said Madressa.

THE BOMBAY SHILOTRI RIGHTS (KOLABA) ABOLITION ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Abolition of Shilotri rights.
4. Commuted value of Shilotri maund to be paid to Shilotridar as compensation.
5. Appeal against the decision of the Mamlatdar.
6. Finality of decision of Mamlatdar and Collector.
7. Inquiries or proceedings to be judicial proceedings.
8. Rules.

BOMBAY ACT No. XLVII OF 1955.¹

[THE BOMBAY SHILOTRI RIGHTS (KOLABA) ABOLITION ACT, 1955.]

[2nd December 1955]

An Act to abolish the Shilotri Rights prevailing in the district of Kolaba in the State of Bombay.

WHEREAS it is expedient to abolish the right to levy shilotri maund enjoyed by shilotridars in the district of Kolaba in the State of Bombay and to provide for other consequential and incidental matters hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows, namely :—

1. (1) This Act may be called the Bombay Shilotri Rights (Kolaba) Abolition Act, 1955. Short title, extent and commencement.

(2) It extends to the district of Kolaba in the State of Bombay.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

2. In this Act, unless there is anything repugnant in the subject or context— Definitions.

Bom.
V of
1879.

(1) "appointed date" means the date on which this Act comes into force ;

(2) "Code" means the Bombay Land Revenue Code, 1879 ;

(3) "Mamlatdar" includes a Mahalkari ;

(4) "prescribed" means prescribed by rules made under this Act ;

(5) "shilotridar" means the holder of a shilotri right ;

(6) "shilotri maund" means a fixed quantity of rice or paddy commonly known as "Shilotri man" in the district of Kolaba leviable by a shilotridar as an incident of shilotri right from every bigha or acre of land embanked or reclaimed from the sea commonly known as 'shilotri land' or 'khar' in the district of Kolaba ;

(7) "shilotri right" means a customary right to levy shilotri maund ;

(8) the other words and expressions used but not defined in this Act shall have the meanings assigned to them in the Code.

3. (1) Notwithstanding any custom or usage or anything contained in any grant, sanad or decree or order of a court or any other instrument, with effect from and on the appointed date— Abolition of shilotri rights.

(a) all shilotri rights with all their incidents shall be deemed to have been abolished, and

(b) the right of a shilotridar to levy or collect a shilotri maund shall be deemed to have been extinguished.

(2) Nothing in sub-section (1) shall in any way affect the liability of any person to pay to the shilotridar the shilotri maund in respect of any land for the year ending on the 31st day of July 1955 or for any previous year.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, page 24.
MO-B 5019 H-6

Commuted
value of
shilotri
maund to be
paid to
shilotridar as
compensation.

4. (1) Every person, who immediately before the appointed date, held any land subject to the shilotri right of a shilotridar, shall be liable to pay to the shilotridar by way of compensation the commuted value of the shilotri maund.

(2) The amount of such commuted value shall be equal to three times the average of the value of the shilotri maund collected by or due to the shilotridar during the three years immediately preceding the appointed date. Such amount shall be determined and paid in the manner provided in sub-sections (4) and (5).

(3) The shilotridar shall make an application in the prescribed form to the Mamlatdar within six months from the appointed date for determining the commuted value of the shilotri maund.

(4) On receipt of such application, the Mamlatdar shall issue notice in the prescribed manner to the person liable to pay such commuted value and to the shilotridar and after holding a formal inquiry under Chapter XII of the Code shall determine the amount of the commuted value of the shilotri maund and record his decision accordingly.

(5) If the amount of commuted value determined under sub-section (4) is not paid to the shilotridar within the prescribed period, it shall be recoverable as an arrear of land revenue. The amount so recovered shall be paid to the shilotridar.

Appeal
against the
decision of
the
Mamlatdar.

5. (1) If any person is aggrieved by the decision of the Mamlatdar under sub-section (4) of section 4, such person, may appeal to the Collector within a period of sixty days from the date of such decision.

(2) Save as otherwise provided in this Act, the provisions of Chapter XIII of the Code shall apply to the appeals to the Collector under this Act, as if the Collector were the immediate superior of the Mamlatdar.

Finality of
decision of
Mamlatdar
and Collector.

6. The decision of the Mamlatdar under sub-section (4) of section 4 subject to an appeal to the Collector and the decision of the Collector on the appeal shall be final and shall not be questioned in any suit or proceeding in any court.

Inquiries or
proceedings
to be judicial
proceedings.

7. All inquiries and proceedings before the Mamlatdar and the Collector under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

XLV
of
1860.

Rules.

8. The State Government may, subject to the condition of previous publication, make rules for the purposes of carrying out the provisions of this Act. Such rules when finally made shall be published in the *Official Gazette*.

THE PAYMENT OF WAGES (BOMBAY AMENDMENT) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Amendment of section 2 of Act IV of 1936.
3. Amendment of section 15 of Act IV of 1936.
4. Amendment of section 17 of Act IV of 1936.
5. Amendment of section 21 of Act IV of 1936.

BOMBAY ACT No. XLVIII OF 1955.¹

[THE PAYMENT OF WAGES (BOMBAY AMENDMENT) ACT, 1955.]

[5th December 1955]

An Act to amend the Payment of Wages Act, 1936, in its application to the State of Bombay.

IV of 1936. WHEREAS it is expedient further to amend the Payment of Wages Act, 1936, in its application to the State of Bombay, for the purposes hereinafter appearing; It is hereby enacted in the Sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Payment of Wages (Bombay Amendment) Act, 1955. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

IV of 1936. 2. In section 2 of the Payment of Wages Act, 1936, in its application to the State of Bombay (hereinafter referred to as the said Act),— Amendment of section 2 of Act IV of 1936.

(a) after clause (ii) the following new clause shall be inserted, namely:—

“(iia) ‘legal representative’ means the person who in law represents the estate of a deceased employed person;”;

(b) for clause (iii) the following shall be substituted, namely:—

“(iii) ‘plantation’ means—

(a) any estate which is maintained for the purpose of growing cinchona rubber, coffee or tea, or

(b) any farm which is maintained for the purpose of growing sugarcane and attached to a factory established or maintained for the manufacture of sugar:

Provided that on such estate or farm twenty-five or more persons are engaged for the purpose;”.

3. In section 15 of the said Act,—

(a) in sub-section (1) for the words and figures beginning with the words “appoint any” and ending with the words “to be the authority” the words “appoint one or more persons to be the authority or authorities” shall be substituted; Amendment of section 15 of Act IV of 1936.

(b) after sub-section (1), the following new sub-sections shall be inserted, namely:—

“(1A) A person shall not be qualified for appointment as an authority under this Act unless, he is a Commissioner for Workmen’s Compensation or any other officer with experience as a Judge of a Civil Court or of a Labour Court constituted under the Bombay Industrial Relations Act, 1946, or as a stipendiary Judicial Magistrate.

“(1B) Where more than one person are appointed for any specified area as authorities under sub-section (1), the State Government may by general or special order make such arrangements as it thinks fit for the distribution of the work among the authorities so appointed.”;

Bom.
XI of
1947.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, pages 244-245.

(c) in sub-section (2),—

(i) after the words "to act on his behalf" the words and figures "or a representative union registered as such under the Bombay Industrial Relations Act, 1946," shall be inserted; Bom.
XI of
1947.

(ii) after the word, brackets and figure "sub-section (3)" the following shall be inserted, namely :—

"and in case of death of the employed person, it shall be lawful for his legal representative to make an application for such direction";

(d) in sub-section (3),—

(i) for the words "refund to the employed person" the words "refund to the employed person or his legal representative, as the case may be," shall be substituted;

(ii) after the words "twenty-five rupees in the latter" the following shall be inserted, namely :—

"and the authority may direct the payment of such compensation in cases, where the amount deducted or the delayed wages are paid by the employer to the employed person or his legal representative before the disposal of the application";

(iii) in the proviso, after the words "employed person", at both the places where they occur, the words "or his legal representative" shall be inserted;

(e) after sub-section (5), the following shall be added, namely :—

"(6) Where a question arises as to whether any person is or is not a legal representative of the deceased employed person, such question shall be determined by the authority and the decision of the authority shall be final."

Amendment
of section 17
of Act IV
of 1936.

4. In section 17 of the said Act, in sub-section (1), in clause (b),—

(i) after the words "an employed person" the following shall be inserted, namely :—

"or any legal practitioner or any official of a registered trade union authorised in writing to act on his behalf or a representative union registered as such under the Bombay Industrial Relations Act, 1946, or any Inspector under this Act or any other person authorised by an authority to make an application under sub-section (2) of section 15 and in the case of death of the employed person, his legal representative, as the case may be,";

(ii) for the words "him" and "he" the words "the employed person" shall be substituted. Bom.
XI of
1947.

Amendment
of section 21
of Act IV
of 1936.

5. In section 21 of the said Act, in sub-section (2), after the words "employed person", at both the places where they occur, the words "or his legal representative" shall be inserted.

THE BOMBAY INDUSTRIAL RELATIONS (AMENDMENT) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.

2 5. [*Amendments made by sections 2 to 5 have been incorporated in the Bombay Industrial Relations Act, 1946*].

6. Amendments made by sections 3 and 4 to come into force from the date on which principal Act came into force.

BOMBAY ACT No. XLIX OF 1955¹.

[THE BOMBAY INDUSTRIAL RELATIONS (AMENDMENT) ACT, 1955.]

[5th December 1955]

An Act further to amend the Bombay Industrial Relations Act, 1946.

Bom. WHEREAS it is expedient further to amend the Bombay Industrial Relations Act,
 XI of 1946, for the purposes hereinafter appearing ; It is hereby enacted in the Sixth
 1947. Year of the Republic of India, as follows :—

1. This Act may be called the Bombay Industrial Relations (Amendment) Short title.
 Act, 1955.

2-5. [*Amendments made by sections 2 to 5 have been incorporated in the Bombay Industrial Relations Act, 1946.*]

Bom. 6. Notwithstanding anything contained in any judgment, decree or order of a Court, the amendments made by sections 3 and 4 of this Act shall be deemed
 XI of to have come into force with effect from the date on which the Bombay Industrial
 1947. Relations Act, 1946, came into force : Amendments made by sections 3 and 4 to come into force from the date on which principal Act came into force.

Provided that nothing in this section shall render any person liable to conviction of an offence in respect of any act committed by him before the date of the coming into force of this Act, if such act was not an offence under the said Act at the aforesaid date, but for the provisions of this section.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, pages 259-260.

**THE BOMBAY PARAGANA AND KULKARNI WATANS (ABOLITION)
(AMENDMENT) ACT, 1955.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.

2-6. [*Amendments made by sections 2 to 6 have been incorporated in the Bombay Paragana and Kulkarni Watans (Abolition) Act, 1950.*]

7. Modification of the provisions of the Act in application to Borpada Deshmukh Watan.

8. Amendments made by sections 4 and 5 to have retrospective effect.



BOMBAY ACT No. L OF 1955.¹[THE BOMBAY PARAGANA AND KULKARNI WATANS (ABOLITION)
(AMENDMENT) ACT, 1955.]

[9th December 1955]

An Act further to amend the Bombay Paragana and Kulkarni Watans
(Abolition) Act, 1950.

Bom. LX of 1950. WHEREAS it is expedient further to amend the Bombay Paragana and Kulkarni Watans (Abolition) Act, 1950, for the purposes hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Paragana and Kulkarni Watans (Abolition) Short title.
(Amendment) Act, 1955.

2-6. [Amendments made by sections 2 to 6 have been incorporated in the Bombay Paragana and Kulkarni Watans (Abolition) Act, 1950.]

7. In the application of the said Act to the Deshmukh watan of the Borpada Modification of the provisions of the Act in application to Borpada Deshmukh watan.
Village in the Navapur taluka of the West Khandesh District,—

(1) for clause (a) of sub-section (1) of section 2, the following shall be substituted, namely :—

Bom. L of 1955. “ (a) ‘ appointed day ’ means the day on which the Bombay Paragana and Kulkarni Watans (Abolition) (Amendment) Act, 1955, comes into force ; ” ;

(2) in sub-section (1) of section 4,—

(a) for the words “ five years from the date of the coming into force of this Act ” the words “ two years from the appointed day ” shall be substituted, and

(b) for the words “ the period of five years ” the words “ the period of two years ” shall be substituted ;

(3) in sub-section (2) of section 9,—

(i) for the words, figures and letters “ on or before the 30th day of April 1954 ” the words “ within twelve months from the appointed day ” shall be substituted ;

(ii) the words beginning with the words “ Provided that ” and ending with the words “ comes into force ” shall be deleted ;

(4) in clause (a) of sub-section (3) of section 14, for the words “ coming into force of this Act ” the words “ appointed day ” shall be substituted.

8. The amendments made by sections 4 and 5 of this Act shall be deemed to have been made and come into force on the date on which the said Act came into force and shall always be deemed to have been made and in force from such date.

Amendments made by sections 4 and 5 to have retrospective effect.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, [1955, Part V, pages 276-277.]

THE BOMBAY LAND TENURES ABOLITION (AMENDMENT) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Admission of time-barred claims for compensation for sufficient cause.
3. [*Amendments made by section 3 have been incorporated in the relevant Bombay Acts.*]

FIRST SCHEDULE.

SECOND SCHEDULE.

BOMBAY ACT No. LI OF 1955.¹

[THE BOMBAY LAND TENURES ABOLITION (AMENDMENT) ACT, 1955.]

[19th December 1955]

An Act to amend certain Bombay Land Tenures Abolition Acts.

WHEREAS it is expedient to amend certain Acts providing for the abolition of land tenures in the State of Bombay for the purposes hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Land Tenures Abolition (Amendment) Act, 1955. Short title.

2. (1) Notwithstanding the expiry of the period fixed for making an application for compensation under the provisions specified in column 2 of the First Schedule hereto annexed of the Acts specified in column 1 thereof, the Collector may admit an application for compensation made by any person entitled thereto under any of the said Acts (hereinafter called the relevant Act) or aggrieved by the provisions of the relevant Act as abolishing, extinguishing or modifying any of his rights in property, if—

Admission of time-barred claims for compensation for sufficient cause.

(a) such application is made not later than the thirty-first day of December 1955 and is in all other respects in accordance with the provisions of the relevant Act, and

(b) the Collector is satisfied that the failure on the part of such person to make an application for compensation within the period fixed under the provisions of the relevant Act was due to reasons beyond the control of such person or any other sufficient cause.

(2) On the admission of the application under sub-section (1) all the provisions of the relevant Act shall apply to such application as if it were made within the period fixed under the relevant provision of such Act.

3. *[Amendments made by section 3 have been incorporated in the relevant Bombay Acts].*

First Schedule.

(See section 2.)

Acts.	Provisions.
1	2
1. The Bombay Personal Inams Abolition Act, 1952 (Bom. XLII of 1953).	Sub-section (1) of section 10 and sub-section (2) of section 17.
2. The Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953 (Bom. XLIII of 1953).	Sub-section (2) of section 6 and sub-section (1) of section 7.
3. The Bombay Merged Territories (Baroda Mulgiras Tenure Abolition) Act, 1953 (Bom. XLV of 1953).	Sub-section (1) of section 8 and sub-section (1) of section 15.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, pages 330-331.

First Schedule—contd.

Acts.	Provisions.
1	2
4. The Bombay Merged Territories (Baroda Watan Abolition) Act, 1953 (Bom. XLVI of 1953).	Sub-section (2) of section 8.
5. The Bombay Merged Territories Matadari Tenure Abolition Act, 1953 (Bom. XLVIII of 1953).	Sub-section (2) of section 6 and sub-section (1) of section 8.
6. The Bombay Service Inams (Useful to Community) Abolition Act, 1953 (Bom. LXX of 1953).	Sub-section (2) of section 7.
7. The Bombay Merged Territories (Janjira and Bhor) Khoti Tenure Abolition Act, 1953 (Bom. LXXI of 1953).	Sub-section (2) of section 14.

Second Schedule.

(See section 3.)

[Amendments made by Second Schedule have been incorporated in the relevant Bombay Acts].

**THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS)
(BOMBAY AMENDMENT) ACT, 1955.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Amendment of long title of Act XX of 1946.
3. Amendment of preamble of Act XX of 1946.
4. Amendment of section 1 of Act XX of 1946.
5. Amendment of section 2 of Act XX of 1946.
6. Insertion of new section 2A in Act XX of 1946.
7. Amendment of section 3 of Act XX of 1946.
8. Deletion of section 4 of Act XX of 1946.
9. Amendment of section 5 of Act XX of 1946.
10. Amendment of section 6 of Act XX of 1946.
11. Amendment of section 7 of Act XX of 1946.
12. Amendment of section 8 of Act XX of 1946.
13. Amendment of section 9 of Act XX of 1946.
14. Amendment of section 10 of Act XX of 1946.
15. Amendment of section 12 of Act XX of 1946.
16. Amendment of section 13 of Act XX of 1946.
17. Amendment of section 15 of Act XX of 1946.
18. Amendment of schedule to Act XX of 1946.

BOMBAY ACT No. LIII OF 1955.¹

[THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) (BOMBAY AMENDMENT) ACT, 1955.]

[21st December 1955]

An Act to amend the Industrial Employment (Standing Orders) Act, 1946, in its application to the State of Bombay.

XX of 1946. WHEREAS it is expedient to amend the Industrial Employment (Standing Orders) Act, 1946, in its application to the State of Bombay, for the purposes hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. (1) This Act may be called the Industrial Employment (Standing Orders) (Bombay Amendment) Act, 1955. Short title and commencement.
- (2) It shall come into force on such date as the State Government may by notification in the *Official Gazette* appoint in this behalf.

XX of 1946. 2. In the Industrial Employment (Standing Orders) Act, 1946 (hereinafter referred to as "the said Act") for the long title the following shall be substituted, namely :— Amendment of long title of Act XX of 1946.

"An Act to provide for rules defining with sufficient precision in certain matters the conditions of employment in industrial establishments in the State of Bombay."

3. In the preamble of the said Act, for the portion beginning with the words "to require" and ending with the words "by them", the words "to provide for rules defining with sufficient precision in certain matters the conditions of employment in industrial establishments in the State of Bombay and for certain other matters" shall be substituted. Amendment of preamble of Act XX of 1946.

4. In sub-section (3) of section 1 of the said Act, for the words "one hundred" the word "fifty" shall be substituted. Amendment of section 1 of Act XX of 1946.

5. In section 2 of the said Act,—

(a) before clause (a), the following new clause shall be inserted, namely :—

"(1a) 'amendments' means, in relation to the model standing orders, any amendments proposed to such orders under section 3 and includes any alterations, variations or additions proposed thereto ;"

(b) in clause (d), after sub-clause (iii) the following new sub-clause shall be inserted, namely :—

"(iv) in relation to any workman working on the establishment of a person who for the purpose of fulfilling a contract with the owner of the industrial establishment employs workmen, such owner engaging the services of the contractor ;"

(c) in clause (e), sub-clause (iv) shall be deleted ;

(d) after clause (e) the following shall be inserted, namely :—

"(ee) 'model standing orders' means standing orders prescribed under section 15 ;

(ef) 'modification' includes, in relation to a standing order, any alteration, variation, addition or deletion in or to such order ;"

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, pages 8752-57.

(e) for clause (i) the following shall be substituted, namely :—

“(i) ‘workman’ means any person employed to any skilled or unskilled, manual or clerical labour for hire or reward on any work of, or incidental or preliminary to or connected with the work of any industrial establishment whether such work is done by the workman in the establishment or elsewhere but does not include any member of the armed forces of the Union or police force.”

Insertion of
new section
2A in Act
XX of 1946.

6. After section 2 of the said Act, the following section shall be inserted, namely :—

Application
of model
standing or-
ders to every
industrial
establish-
ment.

“2A. Where this Act applies to an industrial establishment, the model standing orders for every matter set out in the Schedule applicable to such establishment shall apply to such establishment from such date as the State Government may by notification in the *Official Gazette* appoint in this behalf:

Provided that nothing in this section shall be deemed to affect any standing orders which are finally certified under this Act and have come into operation under this Act in respect of any industrial establishment before the date of the coming into force of the Industrial Employment (Standing Orders) (Bombay Amendment) Act, 1955.”

Bom.
LIII of
1955.

Amendment
of section 3
of Act XX
of 1946.

7. In section 3 of the said Act,—

(a) for sub-section (1), the following shall be substituted, namely :—

“(1) Within six months from the date on which the model standing orders apply to any industrial establishment under section 2A, the employer or any workman employed therein may submit to the Certifying Officer five copies of the draft amendments for adoption in such industrial establishment :

Provided that no amendment which provides for the deletion or omission of any rule in the model standing orders relating to any matter set out in the Schedule shall be submitted under this section.” ;

(b) sub-section (2) shall be deleted ;

(c) in sub-section (3), for the words “draft standing orders” the words “draft amendments” shall be substituted ;

(d) in sub-section (4), for the words “draft of standing orders” the words “draft of amendments” shall be substituted ;

(e) for the marginal note, the marginal note “Submission of amendments” shall be substituted.

Deletion of
section 4 of
Act XX of
1946.

8. Section 4 of the said Act shall be deleted.

9. In section 5 of the said Act,—

(a) in sub-section (1),—

(i) after the words “as may be prescribed” the words “or the employer, Amendment as the case may be,” and after the word “workmen”, where it occurs for the of section 5 of Act XX of 1946.
third time, the words “or employer” shall be inserted;

(ii) for the words “draft standing orders” the words “draft amendments” shall be substituted;

(b) in sub-section (2),—

(i) after the words “giving the employer” the words “, workmen submitting the amendments” shall be inserted;

(ii) the words “or addition to” shall be deleted;

(iii) for the words “the draft submitted by the employer is necessary to render the draft standing orders certifiable under this Act” the words, brackets and figures “the draft submitted under sub-section (1) of section 3 is necessary,” shall be substituted;

(c) in sub-section (3),—

(i) for the words “certify the draft standing orders” the words “certify the draft amendments” shall be substituted;

(ii) for the words “certified standing orders” the words “model standing orders together with copies of the certified amendments thereof” shall be substituted;

(d) in the marginal note, for the words “standing orders” the word “amendments” shall be substituted.

10. In section 6 of the said Act,—

(a) in sub-section (1), for the portion beginning with the words “confirm the standing orders” and ending with the words “certifiable under this Act” the words “confirm the amendments either in the form certified by the Certifying Officer or after further modifying the same as the appellate authority thinks necessary” shall be substituted; Amendment of section 6 of Act XX of 1946.

(b) in sub-section (2),—

(i) for the words “unless it has confirmed without amendment the standing orders” the words “unless it has confirmed without further modifications the amendments” shall be substituted;

(ii) for the words “by copies of the standing orders” the words “by copies of the model standing orders together with the amendments” shall be substituted.

11. In section 7 of the said Act and in the marginal note thereto after the words “standing orders” the words “or amendments” shall be inserted. Amendment of section 7 of Act XX of 1946.

12. In section 8 of the said Act,—

(a) after the words “all standing orders” the words “or model standing orders together with all the amendments” shall be inserted; Amendment of section 8 of Act XX of 1946.

(b) in the marginal note, after the words “standing orders” the words “and model standing orders together with all certified amendments” shall be inserted.

Amendment
of section 9
of Act XX
of 1946.

13. In section 9 of the said Act,—

(a) after the words "standing orders" the words "or model standing orders together with all the amendments" shall be inserted;

(b) in the marginal note, after the words "standing orders" the words "and model standing orders together with all certified amendments" shall be inserted.

Amendment
of section 10
of Act XX
of 1946.

14. In section 10 of the said Act,—

(a) in sub-section (1),—

(i) after the words "standing orders", at both the places where they occur, the words "or the amendments" shall be inserted;

(ii) after the words "came into operation" the following shall be added, namely:—

"and where model standing orders have not been amended as aforesaid, the model standing orders shall not be liable to such modification until the expiry of one year from the date on which they were applied under section 2A";

(b) for sub-section (2), the following shall be substituted, namely:—

"(2) An employer, workman or any prescribed representatives of workmen desiring to modify the standing orders or the model standing orders together with the amendments, as finally certified under this Act, or the model standing orders applied under section 2A, as the case may be, shall apply to the Certifying Officer in that behalf submitting five copies of the standing orders, or the model standing orders, together with all amendments thereto as certified under this Act or model standing orders in which shall be indicated the modifications proposed and where such modifications are in agreement with the workmen, a certified copy of the agreement shall accompany the application.";

(c) in sub-section (3), for the words "standing orders" the word "amendments" shall be substituted.

Amendment
of section 12
of Act XX
of 1946.

15. In section 12 of the said Act,—

(a) for the words "standing orders as finally certified under this Act" the words "standing orders or the model standing orders, or model standing orders with all the amendments as finally certified under this Act, as the case may be," shall be substituted;

(b) in the marginal note, for the words "standing orders" the words "standing orders, etc.," shall be substituted.

Amendment
of section 13
of Act XX
of 1946.

16. In section 13 of the said Act,—

(a) in sub-section (1),—

(i) for the words and figure "who fails to submit draft standing orders as required by section 3, or who modifies his standing orders" the words "who modifies the standing orders, model standing orders or amendments" shall be substituted;

(ii) for the word and figures "section 10" the words "the provisions of this Act" shall be substituted;

(iii) for the words "shall be punishable" the words "shall, on conviction be punished" shall be substituted;

(b) in sub-section (2), for the words "the standing orders finally certified under this Act for his industrial establishment shall be punishable" the words "the standing orders, model standing orders or the amendments, as finally certified under this Act for his industrial establishment, as the case may be, shall, on conviction, be punished" shall be substituted;

(c) after sub-section (2) the following new sub-sections shall be inserted, namely:—

"(2A) Whoever contravenes the provisions of this Act or of any rule made thereunder in cases other than those falling under sub-section (1) or sub-section (2), shall, on conviction, be punished with fine which may extend to one hundred rupees and in the event of such person being previously convicted of an offence under this Act, with fine which may extend to two hundred rupees and in the case of a continuing offence with a further fine which may extend to twenty-five rupees for every day after the first during which the offence continues.

(2B) The Court convicting an employer under sub-section (1) or sub-section (2) may direct such employer to pay such compensation as it may determine to any workman directly and adversely affected by the modification or contravention of the standing orders, model standing orders or amendments, as the case may be.

(2C) The compensation awarded under sub-section (2B) may be recovered as if it were a fine and if it cannot be so recovered, the person by whom it is payable shall be sentenced to imprisonment of either description for a term not exceeding three months as the Court thinks fit."

17. In section 15 of the said Act, in sub-section (2),—

(a) in clause (a), after the words "standing orders" the words "or amendments" shall be inserted;

Amendment
of section 15
of Act XX
of 1946.

(b) in clause (d), for the words "copies of standing orders entered in the register of standing orders" the words and figure "copies of standing orders or model standing orders together with all the amendments filed in the register under section 8" shall be substituted.

18. In the Schedule appended to the said Act,—

(a) in the heading—

Amendment
of Schedule
to Act XX
of 1946.

(i) for the word, figures, brackets and letter "sections 2 (g) and 3(2)" the word, figure and letter "section 2A" shall be substituted;

(ii) after the words "standing orders" the words ", model standing orders and amendments" shall be inserted;

(b) after item 10, the following new item shall be inserted, namely:—

"10A. Age for retirement or superannuation."

THE BOMBAY MUNICIPAL CORPORATION (SECOND AMENDMENT) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.

2-12. [*Amendment made by sections 2 to 12 have been incorporated in the Bombay Municipal Corporation Act.*]

13. Certain amendments made by this Act to apply to election held after the 31st day of the December 1955.

BOMBAY ACT No. LIV OF 1955.¹

[THE BOMBAY MUNICIPAL CORPORATION (SECOND AMENDMENT) ACT, 1955.]

[21st December 1955]

An Act further to amend the Bombay Municipal Corporation Act.

Bom. WHEREAS it is expedient further to amend the Bombay Municipal Corporation
III of Act, for the purposes hereinafter appearing ; It is hereby enacted in the Sixth Year
1888. of the Republic of India as follows :—

1. This Act may be called the Bombay Municipal Corporation (Second Short title.
Amendment) Act, 1955.

2-12. [*Amendments made by sections 2 to 12 have been incorporated in the Bombay
Municipal Corporation Act.*]

13. The amendments made in the said Act by sections 2 to 4 (both inclusive), section 5 except section 28H inserted thereby, clause (2) of section 6 and sections 7 and 8 of this Act shall apply to the general elections to be held after the 31st day of December 1955, and to all subsequent elections.

Certain
amendments
made by this
Act to apply
to election
held after the
31st day of
December
1955.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, pages 134-135.

THE BOMBAY HIGHWAYS ACT, 1955.**CONTENTS.****PREAMBLE.****SECTIONS.****CHAPTER I.****PRELIMINARY.**

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3. Declaration of roads, ways or lands as highways.
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7. Power to fix boundary, building and control lines of Highways.
8. Map to be prepared and maintained.
9. Restrictions on buildings between highway boundary and building line and between building and control lines.
10. Appeal.
11. Exemptions for works in progress, etc.
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13. Regulation or diversion of right of access to highway.
14. Powers of Highways Authority and officers and servants appointed under section 6 in respect of surveys.
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17. Public notice and other notices of such requirement for acquisition.
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PREVENTION OF UNAUTHORIZED OCCUPATION OF, AND ENCROACHMENT ON,
A HIGHWAY AND REMOVAL OF ENCROACHMENT.

20. Lands forming part of highway deemed to be Government property.
21. Prevention of unauthorized occupation of highway.
22. Power to cancel permit.
23. Prevention of encroachment.
24. Appeal against notice served under sub-section (I) of section 23.
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COMPENSATION.

26. Doing minimum damage in certain cases and compensation.
27. Determination of amount of compensation by agreement.
28. Determination of amount of compensation in default of agreement.
29. No compensation if similar restrictions in force under any other law or if compensation already received.
30. Compensation for refusal of permission to build not to exceed difference between its value when it was refused and when it would have been granted.
31. Compensation for diversion of access not to exceed cost of alternative access.
32. Compensation for cutting of standing crops, trees, etc.
33. No compensation for unauthorized erections.
34. No compensation for removal of encroachment.

SECTIONS.

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36. Procedure and powers of the authorities empowered to decide references under sections 35 and 44.
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59. General provision for punishment of offences.
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71. Power to make rules.
72. Savings.
73. Provisions of this Act or rules to prevail over inconsistent provisions in other laws.
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SCHEDULE.

BOMBAY ACT No. LV OF 1955.¹

[THE BOMBAY HIGHWAYS ACT, 1955.]

[22nd December 1955]

An Act to provide for the restriction of ribbon development along highways, for the prevention and removal of encroachment thereon, for the construction maintenance and development of highways, for the levy of betterment charges and for certain other matters.

WHEREAS it is expedient to provide for the restriction of ribbon development along highways, for the prevention and removal of encroachment thereon, for the construction, maintenance and development of highways, for the levy of betterment charges and for certain other matters ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

CHAPTER I.

Preliminary.

1. (1) This Act may be called the Bombay Highways Act, 1955.

(2) It shall extend to the whole of the State of Bombay.

(3) This section shall come into force at once. The State Government may, by notification in the *Official Gazette*, direct that all or any of the remaining provisions of this Act shall come into force in such area and on such date as may be specified in the notification :

Provided that the State Government may, by notification issued in like manner, exclude any road or way or class of roads or ways situate in such area from the operation of all or any of the provisions of this Act.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(a) “ animal ” means any domestic or captive animal ;

(b) “ building ” includes any erection of whatsoever material and in whatsoever manner constructed (including a farm building for agricultural purposes) and also includes plinths, doorsteps, walls (including compound walls and fences) and the like ;

(c) “ building line ” means a line on either side of any highway or part of a highway fixed in respect of such highway or part by a notification under sub-section (1) of section 7 ;

11 of 1924. (d) “ cantonment ” means a cantonment established under the Cantonments Act, 1924 ;

(e) “ control line ” means a line on either side of a highway or part of a highway beyond the building line fixed in respect of such highway or part by a notification under sub-section (1) of section 7 ;

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1954, Part V, page 330.
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(f) "encroachment" means any unauthorised occupation of any highway or part thereof, and includes an unauthorised—

(i) erection of a building or any other structure, balconies, porches, projections, on or over or overhanging the highway ;

(ii) occupation of a highway beyond the prescribed period, if any, for stacking building materials or goods of any other description, for exhibiting articles for sale, for erecting poles, awnings, tents, pandals, hoardings and other similar erections or for parking vehicles or stabling animals or for any other purpose, and

(iii) excavations or dumps of any sort made or extended on any highway or underneath such highway ;

(g) "to erect" with its grammatical variations in relation to a building means to construct, reconstruct, extend or alter structurally a building ;

(h) "excavation" in relation to any piece of land does not include any workings which do not pierce the surface of that piece of land ; but includes wells and tanks ;

(i) "highway" means any road or way over which the public have a right of way or are granted access and which is declared to be a highway under section 3. The expression includes,—

(i) any land acquired or demarcated with a view to construct a highway along it ;

(ii) the slopes, berms, borrow-pits, foot-paths, pavements and side, catch and boundary drains attached to such road or way ;

(iii) all bridges, culverts, causeways, carriageways and other structures, built on or across such road or way ; and

(iv) the trees, fences, posts, boundary, furlong and mile stones, and other highway accessories and materials and material stacked on the road or way ;

(j) "Highway Authority" means the authority appointed as such or to which the functions of such authority are entrusted under section 4 ;

(k) "highway boundaries" means the boundaries of a highway fixed in respect of such highway by a notification under sub-section (1) of section 7 ;

(l) "means of access" includes any means of access, whether private or public, for vehicles or for foot passengers and includes any street ;

(m) "middle of highway" means the point half-way between the highway boundaries ;

(n) "occupier" includes,—

(a) any person who for the time being is paying or is liable to pay to the owner rent or any portion of the rent of the premises in respect of which such rent is paid or is payable ;

(b) an owner living in or otherwise using his premises ;

(c) a rent-free tenant ;

(d) a licensee in occupation of any premises ; and

(e) any person who is liable to pay to the owner damages for the use and occupation of any premises ;

(o) "owner" means,—

(a) when used with reference to any premises, the person who receives the rent of the said premises or who would be entitled to receive the rent thereof if the premises were let and includes,—

(i) an agent or trustee who receives such rent on account of the owner ;

(ii) an agent or trustee who receives the rent of, or is entrusted with, or concerned for, any premises devoted to religious or charitable purposes ;

(iii) a receiver, sequestrator or manager appointed by any court of competent jurisdiction ; and

(iv) a mortgagee-in-possession ;

(b) when used with reference to an institution or a body corporate, the manager of such institution or body corporate ;

(p) "prescribed" means prescribed by rules made under this Act ;

IX of 1890. (q) "railway administration" has the same meaning as in the Indian Railways Act, 1890 ;

(r) "vehicle" includes a barrow, sledge, plough, drag and a wheeled conveyance of any description capable of being used on a highway ;

I of 1894. (s) the expressions "land", "persons interested" and "persons entitled to act" used in this Act shall have the same meaning as the said expressions have in the Land Acquisition Act, 1894.

CHAPTER II.

Declaration of Highways, Highway Authorities and their powers and functions.

3. The State Government may, by notification in the *Official Gazette*, declare any road, way or land to be a highway and classify it as—

Declaration
of roads,
ways or
lands as
highways.

(i) a State highway (Special),

(ii) a State highway,

(iii) a major district road,

(iv) other district road, or

(v) a village road.

4. The State Government may, by notification in the *Official Gazette*, appoint for the purpose of this Act or any of its provisions any person or any authority to be a Highway Authority for all the highways in the State or, in parts of the State, or for any particular highway or highways in the State, specified in the notification.

Appointment
of Highway
Authorities.

Powers and
duties of
Highway
Authorities.

5. Subject to such conditions as may be specified in the notification appointing a Highway Authority and subject to the general or special orders of the State Government, a Highway Authority shall exercise powers and discharge duties in accordance with the provisions of this Act for the restriction of ribbon development along highways, for the prevention and removal of encroachments and for all matters necessary and incidental to any or all of the above subjects. Also subject to the approval of the State Government and to such general or special orders which the State Government may make in this behalf, it shall be lawful to a Highway Authority to undertake the construction, maintenance, development or improvement of highways.

Officers and
servants of
Highway
Authority.

6. For the purpose of enabling a Highway Authority to exercise the powers conferred and to discharge the duties imposed upon it by or under the provisions of this Act, the State Government may appoint such officers and servants as it deems necessary to work under such Authority.

CHAPTER III.

Restriction of Ribbon Development.

Power to fix
boundary,
building and
control lines
of highways.

7. (1) In any area in which the provisions of this Act have been brought into force, and,

(i) where any road, way or land has been declared to be a highway under section 3, or

(ii) where the construction or development of a highway is undertaken, the State Government may, by notification in the *Official Gazette*, fix, as respects such highway, the highway boundary, the building line and the control line :

Provided that having regard to the situation or the requirements of a highway or the condition of the local area through which a highway passes, it shall be lawful for the State Government—

(1) to fix different building or control lines, or

(2) not to fix building or control lines,
in respect of any highway or portions thereof.

(2) Not less than sixty days before issuing a notification under sub-section (1) the State Government shall cause to be published in the *Official Gazette* and in the prescribed manner in the village and at the headquarters of the taluka or mahal of the district in which the highway is situate a notification stating that it proposes to issue a notification in terms of sub-section (1), and specifying therein all the lands situated between the highway boundary and the control line proposed to be fixed under such notification and in the case of new works, also lands benefiting by the construction or development of the highway, as the case may be, together with a notice requiring all persons affected by such notification, who wish to make any objections or suggestions with respect to the issue of such a notification, to submit their objections or suggestions in writing to the Highway Authority or appear before such authority, within two months of the publication of the notification in the *Official Gazette* or within one month from the date of the publication of the notification in the village, whichever period expires later.

(3) The Highway Authority shall, after all such objections or suggestions have been considered or heard, as the case may be, and after such further inquiry, if any, as it thinks necessary, forward to the State Government a copy of the record of its proceedings held by it together with a report setting forth its recommendations on the objections or suggestions.

(4) If, before the expiration of the time allowed by sub-section (2) for the filing or hearing of objections or suggestions, no objection or suggestion has been made, the State Government shall proceed at once to issue the notification under sub-section (1). If any such objection or suggestion has been made, the State Government shall consider the record and the report referred to in sub-section (3) and may either—

- (a) abandon the proposal to issue the notification under sub-section (1), or
- (b) issue the notification under sub-section (1) with such modifications, if any, as it thinks fit.

(5) In considering the objections or suggestions, the decision of the State Government on the question of issuing the notification under sub-section (1) shall be final and conclusive.

8. Within two months from the date of publication of the notification under sub-section (1) of section 7 fixing the highway boundary, building line and control line with respect to any highway, the Highway Authority shall cause a map to be made of the area through which such highway passes and shall cause to be marked thereon the highway boundaries and building and control lines and any other particulars necessary for the purposes of this Act and within one month from the date of making any alteration or addition thereto cause the said map to be corrected and such map with the date indicated thereon of the last time when the same shall have been so corrected shall be kept in the office of the Highway Authority. Such map, which shall bear the seal of the Highway Authority, shall be open to inspection. Copies of such map shall also be kept for inspection at such other places as may be prescribed.

Map to be prepared and maintained.

9. (1) Notwithstanding anything contained in any law, custom, agreement or instrument for the time being in force, on or after the appointed day the following restrictions shall, subject to the provisions of this Act, be in force, that is to say, —

Restrictions on buildings between highway boundary and building line and between building and control lines.

no person shall, without the previous permission in writing of the Highway Authority,—

(a) upon any land lying between the highway boundary and the building line proposed to be fixed under sub-section (2), or fixed under sub-section (1), of section 7, as the case may be,

- (i) construct, form or lay out any means of access to, or from, a highway, or
- (ii) erect any building, or
- (iii) materially alter any existing building, or
- (iv) make or extend any excavation, or
- (v) construct, form or lay out any works ; or

(b) upon any land lying between the building line and the control line proposed to be fixed under sub-section (2), or fixed under sub-section (1), of section 7, as the case may be,

- (i) construct, form or lay out any means of access to, or from, a highway, or
- (ii) erect any building, or
- (iii) materially alter any existing building ;

(c) use any building or alter the use of any building already erected in a manner which in the opinion of the Highway Authority will, in any manner whatsoever, infringe any of the provisions of this Act or interfere with the use of a highway adjoining the land on which such building is erected.

(2) Every person desiring to obtain such permission under sub-section (1) shall make an application in writing to the Highway Authority in such form and containing such information as may be prescribed in respect of the building, alteration, excavation, works or means of access, as the case may be, to which the application relates.

(3) On receipt of such application, the Highway Authority, after making such enquiries as it may consider necessary, shall, by order in writing, either—

(a) grant the permission, subject to such conditions, if any, as may be specified in the order, or

(b) refuse to grant such permission :

Provided that—

(i) permission under clause (a) of sub-section (1) to the making of any excavation or construction, formation or laying out of works in land for the purpose of repairing, renewing, enlarging or maintaining any underground sewer, drain, electric line, pipe, duct or other apparatus shall not be withheld nor be made subject to any conditions save such as may be necessary for securing that the sewer, drain, electric line, pipe, duct or other apparatus shall be laid in such manner and at such levels that the construction, maintenance, development or improvement of a road thereover will not be prevented or prejudicially affected thereby ;

(ii) permission under clause (b) of sub-section (1) to the erection or alteration of a building or laying out any means of access to a highway which conforms to the requirements of public health; and welfare and of safety and convenience of traffic on the adjoining road shall neither be withheld nor made subject to unreasonable conditions :

Provided that in the case of means of access required for agricultural purposes such permission shall neither be withheld nor be made subject to any conditions save such as may be necessary for securing that the means of access shall be used for agricultural purposes only ;

(iii) permission under clause (b) of sub-section (1) to the re-erection or alteration of a building which was in existence before the appointed day shall neither be withheld nor made subject to restrictions unless such re-erection or alteration involves any material alteration to the outside appearance of the building.

(4) When the Highway Authority refuses permission, the reasons therefor shall be recorded and communicated to the applicant :

Provided that nothing herein contained shall debar a person from making a fresh application after omitting therefrom the objectionable features communicated to him as aforesaid on account of which such permission was refused.

(5) If at the expiration of a period of three months after an application for such permission specifying the name and address of the applicant has been made to the Highway Authority, or such further period not exceeding three months as may have been notified by the Highway Authority has elapsed and no decision has been notified in writing, posted or delivered to the applicant at that address, then (except as may otherwise be agreed in writing between the Highway Authority and the applicant) permission shall be deemed to have been given without the imposition by the Highway Authority of any conditions.

(6) The Highway Authority shall maintain a register with sufficient particulars of all permissions given or refused by it under this section and the register shall be available for inspection free of charge by all persons interested and such persons shall be entitled to take extracts therefrom.

Explanation.—For the purpose of this section, the “appointed day” shall, with reference to any highway boundary, building line or control line, mean—

(1) the day on which a notification is published in the *Official Gazette* under sub-section (2) of section 7 proposing to fix such highway boundary, building line or control line, and

(2) if any modification is made in such highway boundary, building line or control line, the day on which the notification is published under sub-section (1) of section 7 fixing such highway boundary, building line or control line.

10. (1) If any applicant is aggrieved by any decision of the Highway Authority Appeal under section 9, withholding permission, or imposing any condition, he may appeal to the State Government within 30 days from the date on which such decision was communicated to him.

(2) The State Government may, after giving an opportunity to the applicant to be heard, make such order as it thinks fit upon the appeal and the decision of the State Government shall be final.

11. (1) No restrictions in force under section 9 shall apply to the erection or making of a building or excavation or to the construction, formation or laying out, of any means of access or works begun before the appointed day referred to in section 9. Exemptions for works in progress, etc.

(2) No restrictions in force under section 9, except restrictions as to the construction, formation or laying out, of means of access, shall apply to any land forming part of a burial or cremation ground or other place for the disposal of the dead being land which has, before the passing of this Act, been used for such purpose.

(3) No restrictions in force under section 9 shall apply to any excavation or works necessary in connection with any drains, ditches, or other drainage works for agricultural purposes or to any works necessary for the repair, renewal, enlargement or maintenance of any sewer, drain, electric line, pipe, duct, or other apparatus, constructed in or upon the land before the date on which the restrictions came into force or with the consent of the Highway Authority on or after that date.

12. Whenever any building or any part thereof erected before the appointed day referred to in section 9 lies between the building line and the middle of the highway the Highway Authority may, whenever any such building or part has either entirely or in greater part been taken down, burnt down or fallen down, by notice require such building or part when re-erected to be set back to the building line or control line. Setting back of buildings to building line or control line.

13. (1) The Highway Authority may, if it is considered essential in the interests of safety or convenience of traffic, regulate or divert any existing right of access to a highway across land lying between the control line and the highway boundary : Regulation or diversion of right of access to highway.

Provided that the existing right of access shall not be diverted until alternative access has been given.

(2) Where the existing right of access is diverted, the point at which alternative access is given to the highway shall not be unreasonably distant from the existing point of access.

(3) The Highway Authority shall, by notification in the *Official Gazette*, publish the date on which the existing right of access has been diverted and alternative access has been given.

Powers of
Highways
Authority
and officers
and servants
appointed
under
section 6 in
respect of
surveys.

14. For the purpose of carrying out any of the provisions of this Act, the Highway Authority and the officers and servants appointed under section 6 may—

- (a) enter upon, survey and take measurements and levels of any land ;
- (b) mark such levels, dig or bore into the subsoil of any land ;
- (c) demarcate the boundaries of the highway by planting stones or other suitable marks in different colours of a durable nature at intervals all along the highway in such a manner that the imaginary line joining such stones or marks shows the road boundary correctly ;
- (d) where there are bends or kinks on the road boundary, locate the stones or marks in different colours so as to give the correct configuration of the boundary if they are joined by straight lines ;
- (e) give consecutive numbers to such boundary stones or marks and maintain them on the ground as if they constituted part of the highway ;
- (f) lay out the building and control lines by placing marks in different colours and cutting trenches ;
- (g) if the survey cannot otherwise be made, or measurements or levels taken or boundaries marked and lines laid out, cut down and clear away any standing crop, tree, fence or jungle or any part thereof ;
- (h) do all other acts necessary in that behalf :

Provided that the Highway Authority shall not, except with the consent of the occupier thereof, enter or permit any of the officers or servants to enter any premises without previously giving such occupier at least forty-eight hours' notice in writing of its intention to do so.

Acquisition
of land or
right or
interest in
land.

15. If at any time on the application of the Highway Authority, the State Government is satisfied that any land required for the purposes of a highway or any right or interest of any person in any land required for the said purposes should be compulsorily acquired or extinguished, as the case may be, it shall be lawful for the State Government to publish a notification to that effect in the *Official Gazette*. Such notification shall also be published in such other manner as may be prescribed. A notification so published shall be deemed to be a declaration that the land is needed, or as the case may be, the right or interest is required to be extinguished for the purpose of the highway ; and such declaration shall be conclusive that the land is so needed, or the right or interest is so required to be extinguished.

Land re-
quired to be
marked and
measured.

16. The Highway Authority or any officer or servant authorised by the Highway Authority shall thereupon cause the land to be marked out. It shall also cause it to be measured and if no plan is made thereof, a plan to be made of the same.

Public notice
and other
notices of
such require-
ment for
acquisition.

17. (1) The Highway Authority shall then cause a public notice to be given at convenient places on or near such land stating that the State Government intends to take possession of the land, or as the case may be, to extinguish any right or interest in the land and that claims to compensation for all interest in such land, or any right or interest in land to be extinguished may be made to such officer as the Highway Authority may designate.

(2) Such notice shall state the particulars of the land so needed or right or interest in land to be extinguished and shall require all persons interested in the land or in the right or interest to be extinguished to appear personally or by agent before such officer as may be designated, at the time therein mentioned (such time not being earlier than fifteen days after the date of the publication of the notice) and to state the nature of their respective right or interest in the land, or as the case may be, in the right or interest to be extinguished and the amount and the particulars of their claims to compensation for such right or interest or both and their objections, if any, to the measurements made under section 16. The Highway Authority may, in any case, require such statement to be made in writing and signed by the party or his agent.

(3) The Highway Authority shall also serve notice to the same effect on the occupier of such land and on all such persons known or believed to be interested therein or to be entitled to act for persons so interested, as reside or have agents authorised to receive service on their behalf, within the district in which the land is situate.

(4) In case any person so interested resides elsewhere, a notice shall be served in the manner provided in section 70.

18. (1) The Highway Authority or the officer authorised by it may also require any such person to make or deliver to it or him at a time not being earlier than fifteen days after the date of the requisition a statement containing, as far as may be practicable, the name of every other person possessing any interest in the land or in any part thereof, or as the case may be, in any right or interest in land to be extinguished as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of such interest, and of the rents and profits, if any, received or receivable on account thereof in respect of the three years next preceding the date of such statement.

Persons required to make statements regarding other persons having interest.

XLV of 1860. (2) Every person required to make or deliver a statement under this section or under section 17 shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

19. At any time after the publication of a notification under section 15, the State Government may direct that the land specified in the notification shall be taken possession of, or as the case may be, the right or interest specified therein shall be extinguished from such date as may be specified in the direction. From such date the said land shall vest absolutely in the State Government free from all encumbrances, or as the case may be, such right or interest therein shall be extinguished.

Taking possession of land.

CHAPTER IV

Prevention of unauthorized occupation of, and encroachment on, a highway and removal of encroachment.

20. All lands forming part of a highway which do not already vest in the State Government shall, for the purpose of this Chapter, be deemed to be the property of the State Government.

Lands forming part of highway deemed to be Government property.

Prevention
of unauthor-
ized occupa-
tion of
highway.

21. (1) No person shall occupy or encroach on any highway within the highway boundaries without obtaining the previous permission in writing of the Highway Authority or an officer authorized in this behalf by the Highway Authority.

(2) The Highway Authority or an officer authorized by the Highway Authority in this behalf may, with due regard to the safety and convenience of traffic and subject to such conditions as may be imposed and such rules as may be prescribed by the State Government, and on payment of such rent or other charges as may be prescribed under such rules, permit any person,—

- (i) to place a temporary encroachment on any highway in front of any building owned by him or make a temporary structure overhanging the highway, or
- (ii) to put up a temporary awning or tent, pandal or other similar erection or a temporary stall or scaffolding on any highway, or
- (iii) to deposit or cause to be deposited building materials, goods for sale or other articles on any highway, or
- (iv) to make a temporary excavation for carrying out any repairs or improvements to adjoining buildings :

Provided that no such permission shall be deemed to be valid beyond a period of one year unless expressly renewed by the Highway Authority or the authorized officer.

(3) The permission so granted shall clearly specify the date up to which the person is authorized to occupy the highway, the purposes for which occupation is authorized and the exact portion of the highway permitted to be occupied, and shall also be accompanied by a plan or sketch of that portion of the highway, if necessary.

(4) The person in whose favour such a permission has been given shall produce the permit for inspection whenever called upon to do so by the Highway Authority or any officer by a general or special order empowered in that behalf and shall at the end of the period specified in the permit release the land occupied by him after restoring it to the same state as before the occupation by him.

(5) The Highway Authority or the officer issuing the permission shall maintain a complete record of all such permissions issued, and shall also cause a check-up to be made in every case at the expiration of the period up to which occupation has been authorized to ensure that the land has actually been vacated.

Power to
cancel
permit.

22. (1) The Highway Authority may cancel any permission granted under section 21—

- (a) if any rent or charge is not duly paid,
- (b) if the purpose for which the permission was given has ceased to exist,
- (c) in the event of any breach by the holder of such permission or of any terms or conditions of such permission,
- (d) if the land on which such encroachment has been made is required for any public purpose or such encroachment is causing impediment or danger to traffic.

(2) Where the permission has been cancelled under clause (b) or (d) of sub-section (1), any rent or charge paid in advance shall be refunded to the holder of such permission less the amount, if any, due to the State Government.

23. (1) When as a result of check of highway boundaries made or otherwise, it transpires that an encroachment has taken place on a highway the Highway Authority or the officer authorized under sub-section (1) of section 21 shall serve a notice on the person responsible for the encroachment or his representative requiring him to remove such encroachment and restore the land to its original condition before the encroachment within the period specified in the notice. Prevention of encroachment.

(2) The notice shall specify the land encroached upon and the time-limit within which such encroachment shall be removed and shall also state that failure to comply within the specified period shall render the person liable to prosecution and also to summary eviction.

(3) If the encroachment is not removed within the time-limit specified in the notice and no valid cause is shown for non-compliance, the Highway Authority or the authorized officer referred to in sub-section (1) may prosecute such person before the appropriate Magistrate for his having made or caused the encroachment and for his failure to remove it within the specified time.

(4) Where the encroachment is made for the purpose of exposing articles for sale, opening temporary booths for vending or other like purpose of a trivial nature the Highway Authority or the authorized officer referred to in sub-section (1) may, with the help of the police, if necessary, have such encroachment summarily removed without issuing a notice as required by sub-section (1), or in lieu of removal of the encroachment, may give the person responsible for the encroachment option of executing a lease in favour of the Highway Authority on payment of rent for the area encroached upon.

(5) When the encroachment is of a temporary nature and can easily be removed but is not such as can be described as trivial within the meaning of sub-section (4), the Highway Authority or the authorized officer referred to in sub-section (1) may in addition to or in lieu of prosecuting the person responsible for the encroachment under sub-section (3) have the encroachment summarily removed with the assistance of the police, if necessary.

(6) Where the encroachment is of such a nature that its immediate removal is considered essential in the interests of safety of traffic on the highway or the safety of any structure forming part of the highway, the Highway Authority or the authorized officer referred to in sub-section (1) may, in addition to prosecution of the person under sub-section (3), either—

(i) have such protective work, as may be feasible at a reasonable cost, carried out so as to minimise the danger to traffic on the highway, or

(ii) have the encroachment removed with the help of the police, if necessary.

24. Where the person on whom notice to remove an encroachment has been served under sub-section (1) of section 23 lays claim that the land in respect of which encroachment has been alleged is his property or that he has acquired a right over it by virtue of adverse possession or otherwise he shall within the time-limit prescribed in the notice for the removal of the encroachment, file an appeal before the Collector under intimation to the Highway Authority or the officer authorized under sub-section (1) of section 21, as the case may be. The Collector shall after due enquiry record his decision in writing and communicate the same to the appellant and the Highway Authority or such officer. The Highway Authority or such officer shall till then desist from taking further action in the matter. Appeal against notice served under sub-section (1) of section 23.

Recovery
of cost of
removal of
encroach-
ment.

25. (1) Whenever the Highway Authority or the officer authorized under sub-section (1) of section 21 has under the provisions of section 23 removed any encroachment or carried out any protective work in respect of any encroachment, the expenditure involved shall be recovered from the person responsible for the encroachment in the manner hereinafter provided.

(2) A bill, representing the expenditure incurred shall be served by the Highway Authority or the authorized officer referred to in sub-section (1) on the person responsible for the encroachment or his representative with a direction to pay up the amount within a specified period to the authority mentioned in the bill.

(3) The bill shall be accompanied by a certificate from the Highway Authority or the authorized officer referred to in sub-section (1) to the effect that the amount of expenditure indicated in the bill represents the charges incurred and such a certificate shall be conclusive proof that the charges had actually been incurred.

(4) The materials, if any, recovered as a result of the removal of any encroachment shall be handed over to the person responsible for the encroachment on payment of the amount of the bill by him but in the event of his failure to pay up the amount within the specified period, the materials may be auctioned and after deducting the amount of the bill from the proceeds, the balance, if any, shall be made over to such person.

(5) If the proceeds of the auction sale do not cover the total amount billed for, the excess over the amount realised by the sale of materials, or if there are no materials to dispose of and the billed amount has not been paid by the person responsible for the encroachment within the specified period, the entire amount of the bill shall be recovered from such person as an arrear of land revenue.

CHAPTER V.

Compensation.

Doing C.
minimum
damage in
certain cases
and compen-
sation.

26. In the exercise of the powers under the following provisions by the Highway Authority or any officer or servant appointed under section 6 or any other person authorised by or under this Act by the State Government, as little damage as can be shall be done and compensation in the manner prescribed by or under this Act shall be paid to any person who sustains damage in consequence of the exercise of such powers, namely :—

- (a) the imposition of restrictions under section 9 ;
- (b) the setting back of any building or part thereof under section 12 ;
- (c) the regulation or diversion of any right of access to a highway under section 13 ;
- (d) the entry, survey, measurement and doing of any of the acts on any land under section 14 ;
- (e) the acquisition of any land or the extinguishment of any right or interest in the land under section 15 ;
- (f) the closure of any highway or part thereof under section 52.

Determina-
tion of
amount of
compensation
by agree-
ment.

27. The amount of compensation payable under section 26, the persons to whom it is to be paid and the apportionment of such amount among the persons interested therein shall be determined by agreement between the Highway Authority or any officer authorised by the State Government and the person or persons claiming interest therein.

28. (1) In default of any agreement under section 27, the Highway Authority or the officer authorised by the State Government shall, subject to the provisions of this Act, after holding an enquiry, make an award determining—

Determina-
tion of
amount of
compensation
in default of
agreement.

(a) the true area of the land, if any, acquired,

(b) the amount of compensation to be paid under section 26,

(c) the apportionment, if any, of such compensation among all persons known or believed to be entitled thereto.

(2) In determining the amount of compensation the matters specified in sections 23 and 24 of the Land Acquisition Act, 1894, as amended by the Schedule I of 1894. to this Act shall be taken into consideration.

29. No compensation shall be awarded—

(i) if and in so far as the land is subject to substantially similar restrictions in force under some other law which was in force on the date on which the restrictions were imposed by this Act;

No compen-
sation if
similar res-
trictions in
force under
any other law
or if compen-
sation already
received.

(ii) if compensation in respect of the same restrictions imposed under this Act or substantially similar restrictions in force under any other law has already been paid in respect of the land to the claimant or to any predecessor in interest of the claimant.

30. When permission to erect any building has been refused under section 9 or 10, the amount of compensation shall not exceed the difference between the value of the land as determined by section 23 or 24 of the Land Acquisition Act, 1894, as amended by the Schedule to this Act and the value which it would have had if the permission had been granted. In determining such value any restrictions to which the land is subject under any other law for the time being in force in regard to the right of person claiming compensation to erect a building on the land or otherwise to use, hold or dispose of the same shall be taken into consideration.

I of
1894.

Compensation
for refusal
of permission
to build not
to exceed
difference
between its
value when
it was
refused and
when it
would have
been granted.

31. Where the right of access to a highway has been destroyed as a result of the diversion or closure thereof and an alternative access has been given, the amount of compensation shall in no case exceed the cost of laying a new means of access from the property of the claimant to such alternative route.

Compensa-
tion for
diversion of
access not to
exceed cost
of alternative
access.

32. (1) At the time of an entry, survey or measurement or doing of any of the things under section 14, the officer making the entry, survey or measurement or doing any other thing shall pay or tender to any person entitled compensation for all necessary damage done as a result of such entry, survey, measurement or execution of the work, including the cutting of standing crops, trees, or removal of temporary structures, if any, on the land. If the sufficiency of the amount so paid or tendered is disputed, the officer concerned shall at once refer the dispute to the Highway Authority and the said Authority shall with the least practicable delay decide the dispute and pay to the person entitled the amount determined as compensation. The decision of the Highway Authority shall be final.

Compensa-
tion for
cutting of
standing
crops, trees,
etc.

(2) If at the time of taking possession of the land under section 19 there are any standing crops, trees or temporary structures on the land, the Highway Authority

shall pay or tender to the person entitled the amount of compensation for such standing crops, trees or temporary structures. If the sufficiency of such amount is disputed, the value of such crops, trees and temporary structures shall be taken into consideration in determining the amount of compensation for the land under section 28.

No compensation for unauthorised erections.

33. If any person has unauthorisedly erected, re-erected, added or altered any building on any land which is acquired for the purpose of a highway, then any increase in the value of the land from such erection, re-erection, addition or alteration shall not be taken into account in estimating the value of the land.

No compensation for removal of encroachment.

34. No compensation shall be payable for the removal of any encroachment.

Reference against award of Highway Authority or authorized officer under section 28.

35. (1) Any person aggrieved by the award of the Highway Authority or the officer authorized under section 28 may, by a written application to the Highway Authority or such officer, require that the matter be referred, if the land in relation to which the award is made is situate,—

(i) in Greater Bombay, to the Principal Judge of the City Civil Court or such other Judge of the said Court as may be nominated by the State Government in consultation with the Principal Judge; and

(ii) elsewhere, to the Civil Judge (Senior Division) of the district within the limits of whose jurisdiction such land is situate.

(2) Any such application shall be made within six weeks from the date of the award, and shall be in such form as may be prescribed.

(3) The provisions of sections 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the computation of the time fixed for reference under sub-section (2). ^{IX of 1908.}

(4) The Highway Authority or the Officer authorised shall make the reference in such manner as may be prescribed.

Procedure and powers of the authorities empowered to decide references under sections 35 and 44.

36. (1) References under sections 35 and 44 shall be deemed to be proceedings within the meaning of section 141 of the Code of Civil Procedure, 1908, and in the trial thereof the authorities empowered to decide such references may exercise all the powers of a civil court under that Code. ^{V of 1908.}

(2) The scope of the enquiry in a reference under section 35 or 44 shall be restricted to a consideration of the matters referred to the authorities mentioned in sub-section (1) in accordance with the provisions of this Act.

Commissioner of Police or District Superintendent of Police to enforce, surrender or remove any encroachment.

37. If the Highway Authority or any officer or servant is opposed or impeded in taking possession of any land or in executing any work or in removing any encroachment under this Act, the Highway Authority or officer or servant concerned shall apply in Greater Bombay to the Commissioner of Police, and elsewhere, to the District Superintendent of Police or such Police officer as the State Government may empower in this behalf, and the Commissioner, the District Superintendent or the officer so empowered shall enforce the surrender, removal or execution, as the case may be.

38. The decisions of the authorities empowered to decide references under sections 35 and 44 shall be enforceable as a decree of a civil court.

Decisions of authorities under sections 35 and 44 to be enforced as decrees of civil court.

39. (1) On the determination of compensation by agreement under section 27 or

Payment of compensation awarded.

(2) on the making of an award under section 28, or

(3) if a reference is made under section 35 against such award, after the decision of the Authority under that section,

the Highway Authority shall make the payment of the compensation awarded to the person entitled thereto in accordance with the agreement, its award or the decision of the Authority empowered to decide references under section 35, as the case may be. The provisions of sections 31 to 34 (both inclusive) of the Land Acquisition Act, 1894, shall, *mutatis mutandis*, apply to such payment.

I of
1894.

40. All payments due to be made to any person by way of compensation by the Highway Authority under this Act shall, as far as possible, be made by adjustment in such person's account regarding betterment charges, if any, due from such person under Chapter VI.

Payment by adjustment.

CHAPTER VI.

Levy of Betterment Charges.

41. Where any work which the Highway Authority is empowered to undertake by or under the provisions of this Act is undertaken, the officer authorized by the State Government in this behalf shall give notice to the persons known or believed to be the owners of or interested in the lands benefited by such work requiring them to appear before him either personally or by an agent at a time and place therein mentioned (such time not being earlier than 30 days from the date of notice) to state their objections, if any, to the imposition and recovery of betterment charges on such lands :

Notice to owners and persons interested.

Provided that no such notice shall be given unless the Collector with the previous sanction of the State Government has declared that the value of such lands is likely to increase or has increased by reason of the construction of such work.

42. On the date fixed under section 41 or on such other date to which the inquiry may be adjourned, the officer authorized under section 41 shall, after holding a formal inquiry and after hearing the objections, if any, stated by the persons as required by notice under section 41, make an order. The order shall specify,—

Inquiry and order.

- (a) the lands benefited by the construction of the work,
- (b) the increase in the value of such lands by the proposed construction,
- (c) the amount of the betterment charges leviable on each of the said lands,
- (d) the date from which such betterment charges shall be leviable :

Provided that no betterment charges shall be leviable in respect of any land—

- (a) which is unsuitable for development as a building site, or
- (b) which is situate beyond a distance of one furlong from the middle of the highway on either side.

Increase in value and betterment charges.

43. The increase in value on account of the construction of such work shall be the amount by which the value of the land on the date of the completion of the proposed work is likely to exceed or has exceeded the value of the land on the date of the commencement of the said work and the betterment charges shall be one-half of such increase in value.

Explanation.—For the purposes of this section, the State Government shall, by notification in the *Official Gazette*, specify—

- (a) the date of commencement of the construction of any work,
- (b) the date of completion of such work.

Reference against order of authorized officer under section 42.

44. (1) Any person aggrieved by the order fixing the betterment charges may, by a written application to the officer authorized under section 41, require that the matter be referred, if the land in relation to which the order is made is situate,—

(i) in Greater Bombay, to the Principal Judge of the City Civil Court or such other Judge of the said Court as may be nominated by the State Government in consultation with the Principal Judge ; and

(ii) elsewhere, to the Civil Judge (Senior Division) of the district within the limits of whose jurisdiction the land is situate.

(2) Any such application shall be made within six weeks from the date on which the order of the officer referred to in sub-section (1) was communicated to such person and shall be in such form as may be prescribed.

(3) The provisions of sections 5, 12 and 14 of the Indian Limitation Act, 1908, IX of shall apply to the computation of the time fixed for reference under sub-section (2). 1908.

(4) The Officer authorized under section 41 shall make the reference in such manner as may be prescribed.

Finality of order fixing betterment charges and of decision on reference.

45. The order fixing the betterment charges made under section 42, subject to a reference to the Authority under section 44 and the decision of the Authority on reference under section 44, shall be final.

Betterment charges to be first charge on land next to land revenue.

46. From the date specified in the order fixing the betterment charges as the date from which such charges shall be leviable, or from such date as may be otherwise specified by the Authority under section 44 as the date from which such charges shall be leviable, the betterment charges recoverable in respect of any land shall, subject to the prior payment of the land revenue, if any, due to the State Government thereon, be a first charge on the land in respect of which such betterment charges are leviable.

Payment of betterment charges.

47. The betterment charges shall be payable on the date fixed under the rules made by the State Government under section 71 :

Provided that the owner of the land on which such charges are imposed may execute an agreement in favour of the State Government agreeing to pay the amount of such charges by annual instalments together with interest at such rate and within such period as may be prescribed.

48. Notwithstanding anything contained in section 47, the State Government may allow the owner of the land on which the betterment charges may be payable to relinquish the whole or any part of the land or to deliver it in exchange in lieu of payment of the charges, in favour of the State Government on such conditions as may be prescribed :

Relinquish-
ment of or
exchange of
land in lieu
of payment
of better-
ment charges.

Provided that no such relinquishment or exchange shall be permitted unless the land is free from encumbrances.

CHAPTER VII.

Supplemental provisions to secure safety of traffic and prevention of damage to highways.

49. (1) Whenever the Highway Authority is of opinion that it is necessary for the prevention of danger arising from obstruction of the view of persons using any highway, especially at any bend or corner of the highway, it may, save as otherwise provided in section 11, serve a notice upon the owner or occupier of land alongside or at the bend or corner of such highway to alter within such time and in such manner as may be specified in the notice, the height or character of any existing wall (not being a wall forming part of a permanent structure), fence, hedge, tree, advertisement post, bill board or any other object thereon, so as to cause it to conform with any requirements specified in the notice.

Prevention
of obstruction
of view of
persons using
any highway.

(2) If any person upon whom a notice has been served under sub-section (1) objects to comply with any requirement of such notice, he may, within one month of its receipt, send to the Highway Authority his objection in writing stating the grounds thereof.

(3) The Highway Authority shall, within one month of the receipt of the objection, consider the grounds advanced and shall, by order in writing, either withdraw the notice or amend or confirm it.

(4) If a person is aggrieved by an order issued by the Highway Authority under sub-section (3), he may prefer an appeal within 15 days from the date when such order was communicated to him, to the Collector whose decision in the matter shall be final.

(5) If any person fails to comply with the notice served on him under sub-section (1) as amended or confirmed, as the case may be, under sub-section (3), the Highway Authority may take action to alter the object causing obstruction of view at its own expense, and such expenditure shall be recovered from such person in accordance with the provisions of section 25, without prejudice to any other action which may be taken against him.

50. If at any time it appears to the Highway Authority that any highway in its charge or any portion thereof is or has been rendered unsafe for vehicular or pedestrian traffic by reason of damage or otherwise, it may, subject to such rules as may be prescribed in this behalf, either close the highway or the portion of it to all traffic or to any class of traffic, or regulate the number and speed or weight of vehicles using the highway.

Highway
Authority
to regulate
traffic when
highway
declared
unsafe.

51. Where the Highway Authority is satisfied that any highway or a portion thereof, or any bridge, culvert or causeway built on or across any highway, is not designed to carry vehicles of which the laden weight exceeds such limit as may be fixed in this behalf, it may, subject to such rules as may be prescribed in that behalf, prohibit or restrict the plying of such vehicles on or over such highway or such part of the highway or such bridge, culvert or causeway.

Prohibition
of use of
heavy
vehicles on
certain
highways.

Procedure to be followed when Highway Authority desires permanently to close any highway.

52. (1) Where in exercise of the powers conferred on it by section 50 the Highway Authority desires permanently to close down any highway or part thereof, it shall give notice of its intention so to do in the *Official Gazette*. The notification shall also be published in at least two newspapers, one of which shall be in the regional language of the place in which the highway is situated.

(2) The notice shall indicate the alternative route, if any, which is proposed to be provided or which may already be in existence, and shall also invite objections, if any, to the proposal to be submitted within such time as may be specified.

(3) The Highway Authority shall finalise its proposal to close down any highway or part of it after considering the objections, if any, received within the specified time and shall submit the final proposal to the State Government for approval together with such objections as may have been received against the proposal.

(4) The State Government may either approve the proposal, with or without modifications, or reject it.

(5) When the State Government has approved the proposal it shall publish its orders in the *Official Gazette*.

(6) When the orders of the State Government have been published in the *Official Gazette*, the Highway Authority shall arrange for further publicity to be given to the orders in at least two newspapers one of which shall be in the regional language of the place in which such highway is situate and the highway or part thereof shall then be closed.

(7) Whenever any highway or any part thereof has been so closed, reasonable compensation shall be paid to every person who was entitled, otherwise than as a mere member of the public, to use such highway or part thereof as a means of access to or from his property and has suffered damage for such closure.

Consent of Highway Authority required to do certain acts on highway.

53. (1) Notwithstanding anything contained in any other enactment for the time being in force but subject to the provisions of section 72 no person other than the Highway Authority or any person authorised by it shall construct or carry any cable, wire, pipe, drain, sewer or channel of any kind through, across, under or over any highway, except with the permission in writing of the Highway Authority.

(2) In giving its consent, the Highway Authority may impose such conditions as it may deem to be necessary, and may also impose a rent or other charge for any land forming part of the highway occupied by or applied to the proposed work.

(3) If any person constructs or carries out any work in contravention of sub-section (1), the Highway Authority may arrange for the removal of such work and restoration of the highway to its former condition in accordance with the provisions of section 23 as if the work constituted an encroachment on the highway, and such expenses as the Highway Authority may incur for this purpose, shall, without prejudice to any other action that may be taken against such person, be recovered from him in accordance with the procedure provided in section 25 in so far as that procedure is applicable.

54. (1) No person shall wilfully cause, or allow any vehicle or animal in his charge to cause any damage to any highway.

Prevention
and rectifica-
tion of
damaged
highway.

(2) Where in contravention of sub-section (1) any damage has been caused to any highway, the Highway Authority shall have the damage repaired and the expenses involved shall, without prejudice to any other action that may be taken against the person responsible for the contravention of sub-section (1), be recovered from him in accordance with the procedure provided in section 25 in so far as that procedure is applicable.

CHAPTER VIII.

Penalties.

55. Whoever wilfully disobeys any direction lawfully given by any person or authority empowered under this Act to give such direction, or obstructs any person or authority in the discharge of any functions that such person or authority is required or empowered under this Act to discharge, or, being required by or under this Act to supply any information, withholds such information or gives information which he knows to be false or which he does not believe to be true shall, on conviction, be punished with fine which may extend to two hundred rupees.

Disobedience
of orders,
instructions
and refusal
to give
information,
etc.

56. Whoever erects, alters or extends any building, or makes any excavation, or constructs any means of access to or from a highway or does any other work in contravention of the provisions of section 9, shall, on conviction, be punished—

Contraven-
tion of
restrictions
relating to
access or
erecting any
building,
etc.

(a) with fine which may extend to five hundred rupees, and

(b) with further fine which may extend to one hundred rupees for each day after such conviction, during which the offending structure or work is not removed, demolished or cleared and the site not restored to its original condition.

57. Whoever —

Unauthorize-
d occupation
of highway.

(a) occupies or makes any encroachment on any highway in contravention of the provisions of sub-section (1) of section 21, or

(b) fails to comply with the notice served on him under sub-section (1) of section 23 for no valid reason,

shall, on conviction, be punished—

(a) for a first offence with fine which may extend to two hundred and fifty rupees,

(b) for a subsequent offence in relation to the same encroachment with fine which may extend to five hundred rupees plus a further fine not exceeding fifty rupees per day on which such occupation of the highway or encroachment continues.

58. Whoever in contravention of sub-section (1) of section 54 wilfully causes, or allows any vehicle or animal in his charge to cause any damage to any highway, shall, on conviction, be punished with fine which may extend to one thousand rupees.

Causing
damage
to highways.

General provision for punishment of offence.

59. Whoever contravenes any provision of this Act or of any rule or order made thereunder shall, if no other penalty is provided for the offence, on conviction, be punished—

(a) for a first offence with fine which may extend to fifty rupees,

(b) for a subsequent offence with fine which may extend to two hundred rupees.

Power to compound offences.

60. Any offence committed under this Act may be compounded by the Highway Authority and if any proceedings have been instituted against any person in any criminal court, then on the terms of the compromise being carried out, the composition shall be held to amount to an acquittal and in no case shall any further proceedings be taken against such person or any property of such person with reference to the same facts.

CHAPTER IX.

Miscellaneous.

Powers and duties of police.

61. Every police officer shall forthwith furnish information to the nearest Highway Authority, or the nearest officer subordinate to the Highway Authority of any offence coming to his knowledge which has been committed against this Act or any rule made under this Act, and shall be bound to assist the Highway Authority and its officers and servants in the exercise of their lawful authority.

Duties of village officials.

62. Every village headman, village accountant, village watchman or other village official by whatever name called, shall forthwith inform the nearest police station or the nearest Highway Authority or any officer duly authorised by the Highway Authority, whenever he becomes aware that any survey mark or any boundary mark of any highway or any mark showing the building or control line determined in respect of a highway has been destroyed, damaged, removed, displaced or otherwise tampered with, or that any damage to any highway or encroachment on any highway has been made.

Power to utilise highway for other than road purposes. Summary eviction.

63. The Highway Authority may utilise temporarily for other than road purposes land forming part of a highway which is not immediately required for the passage of traffic, and dispose of the produce of such land.

64. Any person wrongfully occupying any land,—

(a) which is a part of a highway,

(b) the occupation of which contravenes any of the provisions of this Act and the said provisions do not provide for the eviction of such person,

shall be summarily evicted by the Collector in the manner provided in the Bombay City Land Revenue Act, 1876, or in the Bombay Land Revenue Code, 1879, as the case may be, on being required to do so by the Highway Authority or any officer authorized in this behalf by the State Government.

Bom.
II of
1876.
Bom.
V of
1879.

Inquiries to be held summarily.

65. (1) The Highway Authority or the officer authorized by the State Government in this behalf shall, if he desires to make any inquiry for the purposes of this Act, make the inquiry in the manner provided for holding a summary inquiry under the Bombay City Land Revenue Act, 1876, or the Bombay Land Revenue Code, 1879, and all the provisions contained in the said Act or 1876. Code relating to the holding of a summary inquiry, shall, so far as may be, apply.

Bom.
II of
1876.
Bom.
V of
1879.

(2) The Highway Authority and an officer authorized by the State Government or the Highway Authority under this Act shall have the same powers for summoning and enforcing the attendance of any person and examining him on oath and compelling the production of documents as are vested in the revenue officers under the Bombay City Land Revenue Act, 1876, or the Bombay Land Revenue Code, 1879.

Bom.
II of
1876.
Bom.
V of
1879.

XVI of 1908. 66. (1) Nothing in the Indian Registration Act, 1908, shall be deemed to require the registration of any map made under section 8. Registration of map made under section 8 not required.

XVI of 1908. (2) All such maps shall, for the purposes of sections 49 and 50 of the Indian Registration Act, 1908, be deemed to have been and to be registered in accordance with the provisions of that Act :

Provided that the maps shall be accessible to the public in the manner prescribed.

XLV of 1860. 67. The Highway Authority, the officers and other persons authorized or appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. Certain persons to be public servants.

68. No Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by the Highway Authority, the Collector, an officer or person authorized under this Act, any Authority under section 35 or section 44 or the State Government. Bar of jurisdiction.

69. (1) No suit, prosecution or other legal proceedings shall be instituted against any public servant or officer or person duly authorized under this Act in respect of anything in good faith done or intended to be done under this Act, or the rules or orders made thereunder. Protection of persons acting in good faith and limitation of suit or prosecution.

(2) No suit or prosecution shall be instituted against any public servant or officer or person duly authorized under this Act in respect of anything done or intended to be done under this Act, unless the suit or prosecution has been instituted within six months from the date of the act complained of.

70. (1) Every notice or bill issued or prepared under this Act, may be served or presented,— Service of notices and bills.

(a) by delivering or tendering it or sending it by post to the person to whom it is addressed, or to his agent, or

(b) if such a person or his agent is not found then by leaving it at his usual or last known place of abode or by delivering or tendering it to some adult male member of his family or by causing it to be fixed on some conspicuous part of the building or land, if any, to which it relates.

(2) Where a notice under this Act is required to be served upon an owner or occupier of a building or land, it shall not be necessary to name the owner or occupier, and the service thereof may be effected either—

(a) by delivering or tendering the notice or sending it by post to the owner or occupier or if there be more owners or occupiers than one, to any one of them, or

(b) if no such owner or occupier is found, then by giving or tendering the notice to an adult male member or servant of his family or by causing the notice to be fixed on some conspicuous part of the building or land to which the same relates.

(3) Whenever the person to whom a notice or bill is to be served is a minor, service upon his guardian or upon an adult male member or servant of his family shall be deemed to be service upon the minor.

Power to
make rules.

71. (1) The State Government may, by notification in the *Official Gazette*, and subject to the condition of previous publication, make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules for all or any of the following matters:—

(a) the manner in which the notification may be published in the village and at the headquarters of the taluka or mahel under sub-section (2) of section 7 ;

(b) the other places at which copies of map may be open to inspection under section 8 ;

(c) the form of application and its contents under sub-section (2) of section 9 ;

(d) the other manner of publishing the notification under section 15 ;

(e) the conditions on which and the amount of rent or charge on payment of which encroachments may be made on a highway ;

(f) the manner in which a reference shall be made under section 35 or 44 ;

(g) fixation of the date on which the betterment charges shall be payable under section 47 and instalments together with the rate of interest and the period within which such instalments shall be paid under the proviso to the said section ;

(h) the conditions on which any land may be relinquished or delivered in exchange in favour of the State Government under section 48 ;

(i) rules subject to which any highway or portion of it may be closed to traffic or any class of traffic or the number and speed or weight of vehicles using the highway may be regulated under section 50 ;

(j) rules subject to which plying of vehicles may be prohibited under section 51 ;

(k) the prevention of obstruction of view of persons using highways and of annoyance, danger or injury to the public ;

(l) the prevention of obstruction, encroachment and nuisances on or near and of damages to highways ;

(m) the proper maintenance of boundary marks demarcating highway boundaries and building and control lines ;

(n) the prescription of various forms of applications required to be made and the forms of notices and bills required to be served on persons, the charges to be made for the supply of copies of maps, and the rent or other charges to be imposed or levied under the provisions of this Act ;

(o) the general guidance of the Highway Authority in the discharge of its functions under this Act ;

(p) regulation or diversions of existing rights of access ;

(q) any other matter which is to be or may be prescribed.

Saveage.

72. (1) Subject to the provisions of this section, nothing in this Act shall affect—

(a) the rights of any local authority to make any excavation for the purpose of laying, making, altering, repairing or renewing any sewer, drain, water course or other work ; or

(b) the rights of any authority appointed under any law for the time being in force for gas or water, electricity, railways, tramways or trolley vehicles to erect any support or make any excavation for the purpose of laying, making, altering, repairing or renewing any main, pipe, sluice, weir, electric line, duct, drain or other apparatus ; or

IX of
1910.

(c) any land belonging to a railway administration or belonging to or used by a person holding a licence or sanction for the generation, transformation or distribution of electricity under the Indian Electricity Act, 1910, when such land is held or used by the railway administration or such person, as the case may be, for the purpose of its railway or for generation, transformation or distribution of electricity, except in so far as they may consent thereto ; or

(d) any land within the limits of a cantonment or a port declared by or under any law made by Parliament or existing law to be a major port ;

(e) any land within the jurisdiction of a local authority under the administrative control of the Central Government :

Provided that—

(i) any restrictions in force under section 9 as to construction, formation or laying out of means of access to, or from, any road, shall without any such consent as aforesaid, extend to any such land as is specified in clause (c) in so far as the restrictions relate to means of access over or under such land to, or from, land other than land so specified ; and

(ii) any consent required for the purposes of this section shall not be unreasonably withheld and the question whether or not the consent so required is unreasonably withheld shall be determined by the State Government and the decision of the State Government on the question shall be final.

XIII
of
1885.

(2) Nothing in this Act shall affect any powers and duties of the telegraph authority under the provisions of the Indian Telegraph Act, 1885.

Bom.
LXIX
of
1948.

Explanation.—For the purpose of this section the Bombay Housing Board constituted under the Bombay Housing Board Act, 1948, shall be deemed to be a local authority.

73. Save as provided in section 72, the provisions of this Act or rules made thereunder in regard to any matter dealt with thereby shall prevail over the provisions of any other law made by the State Legislature or any law which the State Legislature is competent to make or to amend, in so far as such law is inconsistent with the said provisions or rules, and such law to the extent of such inconsistency shall cease to apply or shall not apply to any such matter.

74. For the avoidance of doubt it is hereby declared that nothing in this Act shall apply to highways which are or have been declared by or under any law made by Parliament to be national highways :

Provided that if any highway is declared to be a national highway by or under any law made by Parliament, it shall be lawful for the State Government to fix or not to fix the building and control lines for different portions of the said highway under section 7 and thereafter the provisions of this Act in so far as they apply to the restrictions on buildings between the highway boundary and the building line or between the building line and the control line and other provisions relating to such building and control lines shall, *mutatis mutandis*, apply.

SCHEDULE.

[See sections 28 (2) and 30.]

Amendments to the Land Acquisition Act, 1894.

Amendment
of section 23
of Act I of
1894.

1. For section 23 of the Land Acquisition Act, 1894 (hereinafter called the said Act), the following shall be substituted, namely :—

I of
1894.

Matters to
be considered
in determin-
ing compen-
sation.

“ 23. In determining the amount of compensation to be awarded for the land or any interest therein acquired under this Act, the following matters shall be taken into consideration :—

(1) the market value at the date of the publication of the declaration under section 15 of the Bombay Highways Act, 1955 ;

Bom.
LV of
1955.

(2) the use to which the land was put at the date of such declaration ;

(3) the damage sustained by the person interested by reason of the taking of any standing crops or trees which may be on the land at the time when the possession was taken from him ;

(4) the damage (if any) sustained by the person interested at the time of the possession being taken from him by reason of severing such land from his other land ;

(5) the damage (if any) sustained by the person interested at the time of the possession being taken from him of the land by reason of the acquisition injuriously affecting his other property, moveable or immoveable, in any other manner or his earnings ;

(6) if in consequence of the acquisition of the land the person interested is compelled to change his residence, or place of business, the reasonable expenses, if any, incidental to such change.”

Amendment
of section 24
of Act I of
1894.

2. For section 24 of the said Act, the following shall be substituted, namely :—

Matters to
be neglected
in deter-
mining compen-
sation.

“ 24. But the following matters shall not be taken into consideration :—

(1) the degree of urgency which has led to the acquisition ;

(2) any disinclination of the person interested to part with the land acquired ;

(3) any damage sustained by him which, if caused by a private person, would not render such person liable to a suit ;

(4) any damage which is likely to be caused to the land acquired, after the date of the publication of the declaration under section 15 of the Bombay Highways Act, 1955, by or in consequence of the use to which it will be put ;

Bom.
LV of
1955.

(5) any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired ;

(6) any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put ;

Bom
LV of
1955.

(7) any outlay or improvements on, or disposal of the land acquired, commenced, made or effected without the sanction of the Highway Authority after the date of the publication of the declaration under section 15 of the Bombay Highways Act, 1955 ;

(8) the special suitability or adaptability of the land for any purpose, if that purpose is a purpose to which it could be applied in pursuance of any law or for which there is no market apart from the special needs of the Highway Authority ;

(9) any increase in the value of the land by reason of the use thereof or any premises thereon in a manner which could be restrained by any court, or is contrary to law or is detrimental to the health of the inmates of the premises or to the public health."

**THE BOMBAY ELECTRICITY (SPECIAL POWERS) ACT (APPLICATION
TO SCHEDULED AREAS) REGULATION, 1955.**

CONTENTS.

PREAMBLE.

SECTION.

1. Short title, extent and commencement.
2. Application of Bom. XX of 1946 to certain Scheduled Areas.

SCHEDULE.

BOMBAY REGULATION No. I OF 1955.

[THE BOMBAY ELECTRICITY (SPECIAL POWERS) ACT (APPLICATION TO SCHEDULED AREAS) REGULATION, 1955.]

[28th April 1955]

A regulation for the application of the Bombay Electricity (Special Powers) Act, 1946, to certain Scheduled Areas in the State of Bombay.

Whereas it is necessary to apply the provisions of the Bombay Electricity (Special Powers) Act, 1946 (Bom. XX of 1946), to certain Scheduled Areas in the State of 1946. Bombay for the peace and good government of the said Areas ;

Now, therefore, in exercise of the powers conferred by sub-paragraph (2) of paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Bombay is hereby pleased, with the assent of the President, to make the following Regulation, namely :—

1. (1) This Regulation may be called the Bombay Electricity (Special Powers) Act (Application to Scheduled Areas) Regulation, 1955. Short title,
extent and
commence-
ment.
- (2) It extends to the Scheduled Areas specified in the Schedule annexed hereto.
- (3) It shall come into force at once.
2. The Bombay Electricity (Special Powers) Act, 1946, shall apply to the Scheduled Areas specified in the Schedule annexed hereto. Application
of Bom. XX
of 1946 to
certain
Scheduled
Areas.

SCHEDULE.

(See section 2.)

- (1) Navapur Petha and Akrani Mahal in West Khandesh District.
- (2) The Satpura Hills reserved forest areas in East Khandesh District.
- (3) Kalvan Taluka and Peint Petha in Nasik District.
- (4) Dahanu and Shahapur Talukas and Mokhada and Umbergaon Pethas in Thana District.

THE BOMBAY GOVERNMENT PREMISES (EVICTION) ACT, 1955.

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PREAMBLE.

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1. Short title.
2. Definitions.
3. Appointment of competent authorities.
4. Power to evict.
5. Power to recover rent or damages as arrears of land revenue.
6. Rent to be recovered by deduction from salary or wages in case of Government servants.
7. Appeal.
8. Bar of jurisdiction of Civil Courts.
9. Protection of action taken in good faith.
10. Delegation.
11. Penalty.
12. Rules.

BOMBAY ACT No. II OF 1956.¹

[THE BOMBAY GOVERNMENT PREMISES (EVICTION) ACT, 1955.]

[19th January 1956]

An Act to provide for the eviction of certain persons from Government premises and for certain matters connected therewith.

WHEREAS it is expedient to provide for the eviction of certain persons from Government premises and for certain matters connected therewith ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Government Premises (Eviction) Act, Short title. 1955.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “ competent authority ” means an officer appointed as the competent authority under section 3 ;

(b) “ Government premises ” means any premises belonging to, or leased or requisitioned by, the Government of Bombay ;

(c) “ land ” includes benefits to arise out of land and things attached to the earth or permanently fastened to the earth or permanently fastened to anything attached to the earth ;

(d) “ premises ” means any land or building or part of a building and includes—

(i) the garden, grounds and out-houses, if any, appertaining to such building or part of a building ; and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof ;

(e) “ prescribed ” means prescribed by rules made under this Act.

3. The State Government may, by notification in the *Official Gazette*, appoint an officer who is holding or has held an office, which in its opinion is not lower in rank than that of a Deputy Collector or an Executive Engineer, to be the competent authority for carrying out the purposes of this Act in such area as may be specified in the notification.

Appointment of competent authorities.

4. (1) If the competent authority is satisfied—

Power to evict.

(a) that the person authorised to occupy any Government premises, has whether before or after the commencement of this Act,—

(i) not paid rent lawfully due from him in respect of such premises for a period of more than two months, or

(ii) sub-let, without the permission of the State Government or of the competent authority the whole or any part of such premises, or

(iii) otherwise acted in contravention of any of the terms, express or implied, under which he is authorised to occupy such premises, or

¹For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1955, Part V, p. 148.

(b) that any person is in unauthorised occupation of any Government premises,
or

(c) that any Government premises named are required for any other Government purposes,

the competent authority may, notwithstanding anything contained in any law for the time being in force, by notice served (i) by post, or (ii) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (iii) in such other manner as may be prescribed, order that that person as well as any other person who may be in occupation of the whole or any part of the premises, shall vacate them within one month of the date of the service of the notice.

(2) Before an order under sub-section (1) is made against any person the competent authority shall inform the person by notice in writing of the grounds for which the proposed order is to be made and give him a reasonable opportunity of tendering an explanation and producing evidence, if any, and to show cause why such order should not be made, within a period to be specified in such notice. If such person makes an application to the competent authority for extension of the period specified in the notice, the competent authority may grant the same on such terms as to payment and recovery of the amount claimed in the notice as it deems fit. Any written statement put in by such person and documents produced in pursuance of such notice shall be filed with the record of the case and such person shall be entitled to appear before the officer proceeding in this connection by advocate, attorney or pleader. Such notice in writing shall be served in the manner provided for service of notice under sub-section (1).

(3) If any person refuses or fails to comply with an order made under sub-section (1), the competent authority may evict that person from, and take possession of, the premises and may for that purpose use such force as may be necessary.

(4) The State Government may, after giving fourteen clear days' notice to the person from whom possession of the Government premises has been taken under sub-section (3) and after publishing such notice in the *Official Gazette* and in at least one newspaper having circulation in the locality, remove or cause to be removed or dispose of by public auction any property remaining on such premises. Such notice shall be served in the manner provided for service of notice under sub-section (1).

(5) Where the property is sold under sub-section (4), the sale proceeds shall, after deducting the expenses of sale, be paid to such person or persons as may appear to the State Government to be entitled to the same.

(6) If a person who has been ordered to vacate any Government premises for the reasons specified in sub-clause (i) or (iii) of clause (a) of sub-section (1) within one month of the date of service of the notice or such longer time as the competent authority may allow, pays to the said competent authority the rent in arrears or carries out or otherwise complies with the terms contravened by him to the satisfaction of the said competent authority, as the case may be, the said competent authority shall in lieu of evicting such person under sub-section (3), cancel its order made under sub-section (1) and thereupon such person shall hold the premises on the same terms on which he held them immediately before such notice was served on him.

Explanation.—For the purposes of this section and section 5, the expression "unauthorised occupation" in relation to any person authorised to occupy any Government premises, includes the continuance in occupation by him or by any person claiming through or under him of the premises after the authority under which he was allowed to occupy the premises has been duly determined.

5. (1) Subject to any rules made by the State Government in this behalf and without prejudice to the provisions of section 4, where any person is in arrears of rent payable in respect of any Government premises, the competent authority may, by notice served (i) by post, or (ii) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (iii) in such other manner as may be prescribed, order that person to pay the same within such time not less than ten days as may be specified in the notice. If such person refuses or fails to pay the arrears or rent within the time specified in the notice, such arrears may be recovered as arrears of land revenue.

Power to recover rent + or damages as arrears of land revenue.

(2) Where any person is in unauthorised occupation of any Government premises, the competent authority may, in the prescribed manner, assess such damages on account of the use and occupation of the premises as it may deem fit, and may, by notice served (i) by post, or (ii) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (iii) in such other manner as may be prescribed, order that person to pay the damages within such time as may be specified in the notice. If such person refuses or fails to pay the damages within the time specified in the notice, the damages may be recovered from him as arrears of land revenue.

(3) No order shall be made under sub-section (2) until after the issue of a notice in writing to the person calling on him to show cause, within a reasonable period to be specified in such notice, why such order should not be made, and until his objections, if any, and any evidence he may produce in support of the same, have been considered by the competent authority.

6. Without prejudice to the provisions of section 4, in the case of any person who is an employee of the State Government and who has been allotted any Government premises, the amount of rent due by him in respect of such premises shall, on a requisition in writing made in that behalf by the competent authority to the Head of the Government Department or office under whom such person is employed, be liable to be deducted from the salary or wages payable to such person. On receipt of such requisition, the Head of such Government Department or office, as the case may be, shall deduct from the salary or wages payable to such person the amount specified in the requisition and pay the amount so deducted to the competent authority in satisfaction of the rent due by him.

Rent to be recovered by deduction from salary or wages in case of Government servants.

7. (1) Any person aggrieved by an order of the competent authority under section 4, or section 5, may, within one month of the date of service of the notice under section 4 or section 5, as the case may be, prefer an appeal to the State Government :

Appeal.

Provided that the State Government may entertain the appeal after the expiry of the said period of one month, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the State Government may, after calling for a report from the competent authority and after making such further inquiry, if any, as may be necessary, pass such orders as it thinks fit, and the orders of the State Government shall be final.

(3) Where an appeal is preferred under sub-section (1), the State Government may stay the enforcement of the order of the competent authority for such period and on such conditions as it thinks fit.

Bar of jurisdiction of civil courts.

8. No order made by the State Government or the competent authority in the exercise of any power conferred by or under this Act shall be called in question in any court and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Protection of action taken in good faith.

9. No suit, prosecution or other legal proceedings shall lie against the State Government or the competent authority in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rules or orders made thereunder.

Delegation.

10. The State Government may, by notification in the *Official Gazette*, direct that any power exercisable by it under this Act, shall, subject to such conditions, if any, as may be specified in the notification, be exercisable also by an officer specially empowered in this behalf by the State Government.

Penalty.

11. Any person who obstructs the lawful exercise of any power conferred by or under this Act shall, on conviction, be punished with fine which may extend to one thousand rupees.

Rules.

12. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) the forms of notices and the other manner in which they may be served ;
- (b) the procedure to be followed in taking possession of Government premises ;
- (c) the manner in which damages for unauthorised occupation may be assessed ;
- (d) the manner in which appeals may be preferred and the procedure to be followed in appeals ;
- (e) any other matter which has to be or may be prescribed.

THE BOMBAY AERIAL ROPEWAYS ACT, 1955.

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BOMBAY ACT No. III OF 1956¹.

[THE BOMBAY AERIAL ROPEWAYS ACT, 1955.]

[22nd February 1956]

An Act to authorize, facilitate and regulate the construction and working of aerial ropeways in the State of Bombay.

WHEREAS it is expedient to authorize, facilitate and regulate the construction and working of aerial ropeways in the State of Bombay ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Bombay Aerial Ropeways Act, 1955. Short title,
extent and
commence-
ment.
- (2) It extends to the whole of the State of Bombay.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.
2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.
 - (a) "aerial ropeway" means a system of overhead ropes on which carriers are used for the purpose of carriage of passengers, animals or goods and includes posts, ropes, carriers, stations, offices, warehouses, workshops, machinery and other works used for the purposes of, or in connection with, and all land appurtenant to, such aerial ropeway ;
 - (b) "carrier" means any vehicle or receptacle hung or suspended from or, hauled by, a rope and used for the carriage of passengers, animals or goods or for any other purpose in connection with the working of a ropeway ;
 - (c) "Inspector" means an Inspector of aerial ropeways appointed under section 4 ;
 - (d) "post" means a post, trestle, standard, strut, stay or other contrivance or part of a contrivance for carrying, suspending or supporting a rope ;
 - (e) "prescribed" means prescribed by rules made under this Act ;
 - (f) "promoter" means any person in whose favour an order has been made under section 10 or under section 30 or on whom the rights and liabilities conferred or imposed on the promoter by this Act or by rules and orders made under this Act as to the construction, maintenance and use of aerial ropeways have devolved or have been imposed by section 42 ; and includes a lessee to whom a lease has been granted under section 27 ;
 - (g) "rate" includes any fare, charge or other payment for the carriage of passengers, animals or goods on an aerial ropeway ;
 - (h) "rope" includes any cable, wire, rail or way, whether flexible or rigid, for suspending, carrying or hauling a carrier, if any part of such cable, wire, rail or way is carried overhead and is suspended from or supported on posts ;

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, Part V, pp. 201-202.

(i) " rules " means rules made under this Act ;

(j) " undertaking " means all moveable and immovable property of the promoter suitable to and used by him for the purposes of an aerial ropeway.

CHAPTER II.

ADVISORY BOARD AND ESTABLISHMENT.

Power of State Government to constitute Advisory Board for aerial ropeways.

3. (1) The State Government [shall, by notification in the *Official Gazette*, constitute an Advisory Board for aerial ropeways.

(2) Such Board shall consist of a [Chairman to be appointed by the State Government who shall be a Chief Engineer to the State Government and two persons to be appointed by the State Government as expert members.

(3) The State Government may, by general or special order,—

(a) define the duties of, and regulate the procedure of, the Advisory Board ;

(b) determine the tenure of office of the members of the Board ; and

(c) give directions as to the payment of fees to, and the travelling expenses incurred by, any member of such Board in the performance of his duty.

Appointment of Inspectors and subordinate officers and servants and their powers and duties.

4. (1) The State Government may appoint such persons as they deem fit to be Inspectors of aerial ropeways.

(2) The Inspector shall exercise such powers and perform such functions and duties as may be provided by or under the provisions of this Act. It shall also be the duty of any such Inspector from time to time to inspect such ropeways and to determine whether they are maintained in a fit condition and worked with due regard to the convenience and safety of the persons using them and of the general public, and consistently with the provisions of this Act.

(3) The State Government may also appoint other subordinate officers and servants with such designations and assign to them such powers, duties and functions as may be necessary for carrying out the purposes of this Act.

CHAPTER III.

AERIAL ROPEWAYS FOR PUBLIC TRAFFIC.

Procedure and Preliminary Investigation.

Unauthorized construction, maintenance, etc., of aerial ropeways prohibited.

5. No aerial ropeway shall be constructed, opened, maintained or worked except in accordance with the provisions of this Act.

Application for concession.

6. Every application by an intending promoter other than the State Government for permission to undertake the necessary preliminary investigations in regard to a proposed aerial ropeway shall be submitted to the State Government.

7. Every application to be made under section 6 shall include,—

Contents of
application.

(a) a description of the undertaking and of the route to be followed by the proposed aerial ropeway ;

(b) a description of the system of construction and management and of the advantages to the community to be expected from such ropeway ;

(c) an estimate of the cost of construction thereof ;

(d) a statement of the estimated working expenses and profits in respect thereof ;

(e) a statement of the maximum and minimum rates which it is proposed to charge ;

(f) such maps, plans, sections and drawings in connection therewith as the State Government may require in order to form an idea of the proposal.

I of 1894. 8. (1) Subject to the provisions of this Act, and of section 4 of the Land Acquisition Act, 1894, the State Government may accord sanction to the intending promoter to make such surveys as may be necessary, and require him to submit such detailed estimates, plans, sections and specifications and such further information as it may think necessary for the full consideration of the proposal. Sanction to preliminary investigation.

(2) The intending promoter shall not be entitled to claim any compensation from the State Government for any expense incurred under this section in the event of his application being refused.

Orders Authorizing the Construction of Ropeways.

9. (1) The State Government may, on application made by any intending promoter, and after due consideration of the details supplied in accordance with section 8, publish in the *Official Gazette* a draft of the proposed order authorizing the construction by, or on behalf of, such promoter, subject to such restrictions and conditions as the State Government may think proper, of an aerial ropeway within any area, or along any route specified in such order— Order authorizing construction and contents of such order.

(a) for the public carriage of passengers ;

(b) for the public carriage of passengers and goods ;

(c) for the public carriage of animals and goods ; or

(d) for the public carriage of passengers, animals and goods.

(2) A notice shall be published with the draft order stating that any objection or suggestion which any person may desire to make with respect to the proposed order, if submitted to the State Government within three months from the date of publication of such notice will be considered by the State Government.

(3) The State Government shall also cause public notice of the intention to make the order to be given at convenient places within the said area or along the said route, and shall, so far as may be conveniently possible, cause a like notice to be served on every owner or occupier of land over which such route lies, and shall consider any objection or suggestion, with respect to the proposed order, which may be received from any person within the period specified in such notice and decide thereon.

(4) The draft of the proposed order may specify—

(i) a time within which the capital required for the construction of the aerial ropeway shall be raised ;

(ii) a time within which the construction shall be commenced ;

(iii) a time within which the construction shall be completed ;

(iv) the conditions under which any concession may be given by the State Government or a local authority to the promoter ;

(v) subject to the provisions of section 24, the rights of purchase by the State Government or by a local authority concerned ;

(vi) the conditions relating to the structural design, quality of materials, factors of safety, method of computing stresses, and other such technical detail as may be considered necessary ;

(vii) the conditions relating to the construction of the aerial ropeway over public ways of communication except highways which are or have been declared by or under any law made by Parliament to be national highways, railways and tramways not wholly within a municipal area, and, with the previous consent of the Central Government or the railway administration, as the case may be, over such national highways, railways and tramways or over mining properties ;

(viii) the conditions under which the promoter may sell or transfer his rights to the State Government or to a local authority, or to any other person ;

(ix) the conditions under which the aerial ropeway may be taken over by the State Government to be worked by itself or by a local authority or by a person other than the promoter ;

(x) the motive power to be used on the aerial ropeway and the conditions, if any, on which such power may be used ;

(xi) the minimum headway to be maintained under different parts of the rope ;

(xii) the points under the rope at which bridges or guards shall be constructed and maintained ;

(xiii) the amount of security, if any, to be deposited by the promoter in the event of his application being granted ;

(xiv) the traffic which may be carried on the aerial ropeway, the traffic which the promoter shall be bound to carry, and the traffic which he may refuse to carry ;

(xv) subject to the provisions of section 18, the rates that may be charged by the promoter and the circumstances in which and the manner in which these rates may be revised by the State Government ; and

(xvi) such other matters as the State Government may deem necessary.

10. (1) If, after considering any objections or suggestions which may have been made in respect to the draft before the expiry of the period of three months specified in sub-section (2) of section 9, the State Government is of opinion that the application should be granted with or without modifications, or subject to any restrictions or conditions, it shall make an order accordingly. Final order.

(2) Every order authorizing the construction of an aerial ropeway made under sub-section (1) shall be published in the *Official Gazette*, and such publication shall be conclusive proof that the order has been made as required by this section.

11. If a promoter authorized by an order made under section 10 to construct an aerial ropeway does not within the time specified in the order— Cessation of powers given by order under section 10.

(a) succeed in raising the full amount of capital required for the completion of such ropeway, or

(b) substantially commence the construction of such ropeway, or

(c) complete the construction thereof,

the powers given to the promoter by such order shall, unless the State Government extends the time so specified, cease to be exercised.

12. When the construction of an aerial ropeway has been authorized under this Act for the public carriage of animals and goods only, the State Government may, on application made by the promoter, sanction the opening of such ropeway for the public carriage of passengers also. Opening of aerial ropeway to passenger traffic.

13. The promoter, his servants, agents or any person acting on his behalf shall afford to all Inspectors and officers and servants appointed under section 4 reasonable facilities for the exercise of the powers and the performance of the duties and functions conferred and imposed on them under the provisions of this Act and the rules. Promoter and his servants, etc., to afford facilities to Inspectors and other officers.

Inspection of Public Aerial Ropeways.

14. (1) No aerial ropeway shall be opened for any kind of traffic until the State Government or an Inspector empowered by the State Government in this behalf has, by an order, sanctioned the opening thereof for that purpose. Such sanction shall not be given until rules for the safe and efficient working of the aerial ropeway have been duly made under section 45 and an Inspector has, after inspection of the aerial ropeway, reported in writing to the State Government— Inspection of aerial ropeway before opening.

(a) that he has made a careful inspection of the aerial ropeway and appurtenances;

(b) that the moving and fixed dimensions and other conditions prescribed under sub-section (4) of section 9 and sub-section (1) of section 10 have been complied with;

(c) that the aerial ropeway is sufficiently equipped for the traffic for which it is intended;

(d) that the aerial ropeway is, in his opinion, fit for public traffic and can be used without danger either to the persons, animals or goods carried thereon, or to the persons employed thereon, or to the general public.

(2) The provisions of sub-section (1) shall extend to the opening of additional sections of the aerial ropeway, and to deviation lines and any alteration or reconstruction materially affecting the structural character of any work to which the provisions of sub-section (1) apply or are extended by this sub-section.

- Construction and Maintenance of Aerial Ropeways for Public Traffic.

Authority of promoter to execute all necessary works.

15. (1) Subject to the provisions of this Act and the rules, and in the case of immovable property not belonging to the promoter, to the provisions of any enactment for the time being in force for the acquisition of land for public purposes, a promoter of an aerial ropeway for public traffic may—

- (a) make such survey as he thinks necessary ;
- (b) place and maintain posts in or upon any immovable property ;
- (c) suspend and maintain a rope over, along or across any immovable property ;
- (d) make such bridges, culverts, drains, embankments and roads as may be necessary ;
- (e) erect and construct such machinery, offices, stations, warehouses and other buildings, works and conveniences as may be necessary ; and
- (f) do all other acts necessary for constructing, maintaining, altering, repairing and using the aerial ropeway :

Provided that a promoter may take any action under clause (b) or clause (c) of this sub-section, notwithstanding the objection of the owner or occupier of the property affected thereby, if the Collector, after giving such owner and occupier by notice in writing an opportunity of being heard, by an order in writing, permits such action.

(2) When making an order under the proviso to sub-section (1), the Collector shall fix the amount of compensation or of annual rent or of both which should, in his opinion, be paid by the promoter to the owner of the property affected thereby, or, in the case of immovable property, to the owner or occupier thereof.

Explanation.—For the purposes of this section, if a promoter is not a company within the meaning of the Indian Companies Act, 1913, or a local authority, such promoter shall be deemed to be a company and the provisions of Part VII of the 1913. Land Acquisition Act, 1894, shall *mutatis mutandis* apply to the acquisition of 1 of 1894. immovable property on his behalf.

Temporary entry upon land for repairing or preventing accident.

16. (1) Subject to the rules, a promoter may, at any time, for the purpose of examining, repairing or altering an aerial ropeway or of preventing any accident, enter upon any immovable property adjoining such ropeway for public traffic, and may do all such works as may be necessary for such purpose.

(2) In the exercise of the powers conferred by sub-section (1), the promoter shall cause as little damage as possible, and compensation shall be paid by him for any damage so caused ; and in case of dispute as to the amount of such compensation, or the person to whom it shall be paid, the matter shall be referred to the decision of the Collector.

17. (1) Where any tree standing or lying near an aerial ropeway for public traffic, or where any structure or other object which has been placed or had fallen near any such ropeway subsequently to the issue of an order under section 10 in regard to such ropeway, interrupts or interferes with, or is likely to interrupt or interfere with, the construction, maintenance, alteration or use of the ropeway, the Collector may, on the application of the promoter, cause the tree, structure or object to be removed or otherwise dealt with as he thinks fit.

Removal of trees, structures, etc.

(2) When disposing of an application under sub-section (1), the Collector shall, in the case of any tree in existence before the construction of the aerial ropeway, award to the person interested in the tree such compensation, if any, as he thinks reasonable and the Collector may recover the same from the promoter as an arrear of land revenue.

Explanation.—For the purposes of this section, the expression “tree” shall be deemed to include any shrub, hedge, junglegrowth or other plant.

Working of Aerial Ropeway for Public Traffic.

18. The promoter of an aerial ropeway for public traffic shall, for the purposes of such ropeway, and subject to such maximum and minimum rates as may be prescribed, have power from time to time to fix the rates for the carriage of passengers, animals or goods, as the case may be, on such ropeway.

Promoter may fix rates.

19. No promoter shall, for the purposes of working an aerial ropeway for public traffic make or give any undue or unreasonable preference or advantage to, or in favour of, any particular person or any particular description of traffic in any respect whatsoever, or subject any particular person or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Duty of promoter to work aerial ropeway without partiality.

20. When any of the following accidents occur in the course of working an aerial ropeway for public traffic, namely :—

Reporting of accidents.

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of
1860.

(a) any accident attended with loss of human life or with grievous hurt as defined in the Indian Penal Code, or with serious injury to property ;

(b) any accident of a description usually attended with loss of human life or with such grievous hurt as aforesaid or with serious injury to property ;

(c) any accident of any other description which the State Government may specify in this behalf in the rules,

the promoter shall, without unnecessary delay, send notice of the accident to the State Government and to the Inspector and the servant of the promoter in charge of the station on the aerial ropeway nearest to the place at which the accident occurred or, where there is no station, the promoter's servant in charge of the section of the aerial ropeway on which the accident occurred, shall, with the least possible delay, give notice of the accident in Greater Bombay, to the Commissioner of Police and elsewhere to the Magistrate of the district in which the accident occurred and to the officer in charge of the police station within the local limits of which such accident occurred.

21. (1) If, after inspecting any aerial ropeway opened to public traffic an Inspector is of opinion that the aerial ropeway or any specified part thereof cannot be used without danger to the public, or is no longer in a fit state for the carriage of any specified class of traffic, he shall state that opinion, together with the ground therefor, to the State Government.

Power to close and re-open aerial ropeway.

(2) The State Government, after such further inquiry, if any, as it may think fit, may thereupon order that, for reasons, to be set forth in the order, the aerial ropeway, or the part thereof so specified, be closed to all traffic or to any specified class of traffic :

Provided that, in any case of extreme urgency, the Inspector may order the suspension of the working of the ropeway or any part thereof which he considers necessary pending the orders of the State Government on the case.

(3) When, under sub-section (2) an aerial ropeway or any part thereof has been closed to any traffic, it shall not be re-opened to such traffic, until it has been inspected, and its re-opening sanctioned, in the prescribed manner.

Discontinuance of Aerial Ropeways for Public Traffic.

Cessation of powers of promoter on discontinuance of aerial ropeway.

22. If, at any time after the opening of an aerial ropeway for public traffic, it is proved to the satisfaction of the State Government that the promoter has, continuously for a period of three months or more, discontinued the working of the aerial ropeway or of any part thereof, without a reason sufficient, in the opinion of the State Government, to warrant such discontinuance, the State Government, if it thinks fit, may, by notification in the *Official Gazette*, declare that the powers of the promoter in respect of such ropeway or part thereof shall be at an end, and with effect from the date of the publication of such notification, the promoter shall cease to exercise such powers.

Power of removal of aerial ropeway on cessation of promoter's powers.

23. (1) When a notification has been published under section 22, in respect of any aerial ropeway or of any part thereof—

(a) an officer appointed in that behalf by the State Government may, at any time after the expiration of two months from the date of such notification, remove such ropeway or part thereof, as the case may be ; and

(b) the promoter shall pay to the officer so appointed such costs of removal as shall be certified by that officer to have been incurred by him.

(2) If the promoter fails to pay the amount of costs so certified within one month after the delivery to him of the certificate or of a copy thereof, such officer—

(a) may, without any previous notice to the promoter and without prejudice to any other remedy which he may have for the recovery of the said amount, sell and dispose of the materials of the aerial ropeway or part thereof so removed ; and

(b) may, out of the proceeds of the sale, pay and reimburse himself the amount of costs certified as aforesaid and of the costs of the sale ; and

(c) shall pay the surplus, if any, of such proceeds to the promoter.

Purchase of Aerial Ropeways for Public Traffic.

Power of State Government and local authorities to purchase aerial ropeways for public traffic.

24. (1) When an order under section 10 has been made in favour of a promoter of an aerial ropeway for public traffic not being a local authority, the State Government, or a local authority specified in the order published under the said section 10 shall on the expiration of such period not exceeding twenty-one years, and of every such subsequent period, not exceeding seven years, as shall be specified in such order, have the option of purchasing the undertaking, and if the State Government, or the local authority with the previous sanction of the State Government, elects to so purchase the undertaking, the promoter shall sell the undertaking to the State Government or to the local authority, as the case may be, on payment of the value of all lands, buildings, works, materials, plant and apparatus of the promoter, suitable to, and used by him for the purposes of the undertaking, such value to be in case of difference or dispute determined by arbitration :

Provided that the value of such lands, buildings, works, materials, plant and apparatus shall be deemed to be their fair market value at the time of purchase, due regard being had to the nature and condition for the time being of such lands, buildings, works, materials, plant and apparatus, and to the state of repair thereof, and to the circumstances that they are in such a position as to be ready for immediate working, and to the suitability of the same for the purposes of the undertaking.

(2) Where a purchase has been effected under sub-section (1)—

(a) the undertaking shall vest in the purchaser free from any debts, mortgages or similar obligations of the promoter or attaching to the undertaking :

Provided that any such debts, mortgages or similar obligations shall attach to the purchase-money in substitution for the undertaking ; and

(b) save as aforesaid, the order published under section 10 shall remain in full force, and the purchaser shall be deemed to be the promoter :

Provided that where the State Government elects to purchase, the order under section 10 shall, after purchase, in so far as the State Government is concerned, cease to have any further operation but all the other provisions of this Act excepting section 33 in so far as they relate to aerial ropeways for public traffic shall apply in respect of the undertaking so purchased by the State Government.

(3) Not less than two years' notice in writing of any election to purchase under this section shall be served upon the promoter by the State Government or the local authority, as the case may be.

(4) Notwithstanding anything hereinbefore contained, a local authority may, with the previous sanction of the State Government, waive its option to purchase and enter into an agreement with the promoter for the working by him of the undertaking until the expiration of the next subsequent period referred to in sub-section (1) upon such terms and conditions as may be stated in the agreement.

25. Where, on the expiration of any of the periods referred to in section 24, neither the State Government nor a local authority purchases the undertaking, and the order published under section 10 is, on the application or with the consent of the promoter, revoked, the promoter shall have the option of disposing of all lands, buildings, works, materials, plant and apparatus belonging to the undertaking in such manner as he may think fit.

Power to promoter to sell when option to purchase exercised and order revoked by consent.

Inability or Insolvency of Promoter.

26. (1) If, at any time after the opening of an aerial ropeway for public traffic, it appears to the State Government that the promoter is insolvent or is unable to maintain the aerial ropeway, or to work the same with advantage to the public or to work it at all, the State Government may declare that the powers of the promoter, in respect of such ropeway, shall, at the expiration of six months from the date of such declaration, be at an end ; and thereupon the promoter shall, at the expiration of that period cease to exercise such powers.

Proceedings in case of inability or insolvency of promoter.

(2) At any time after the expiration of the said period of six months, an officer appointed by the State Government in that behalf, may, notwithstanding anything contained in the Presidency-Towns Insolvency Act, 1909, or the Provincial Insolvency Act, 1920, remove the aerial ropeway in the same manner and subject to the same provisions as to the payment of costs and to the same remedy for the recovery thereof, in every respect, as in cases of removal under section 23.

Lease of
aerial
ropeway by
local
authority.

27. (1) Where the promoter of an aerial ropeway for public traffic is a local authority or where a local authority has purchased any such ropeway under section 24, such local authority may with the previous sanction of the State Government and subject to such conditions as the State Government may think fit to impose, let to any person, by a lease, the right of user of the aerial ropeway and of demanding and taking the rates for the carriage of passengers, animals or goods, as the case may be, on such ropeway subject to such maximum and minimum rates as may be prescribed.

(2) On the determination of such lease, the local authority may from time to time renew the lease for such further term and on such conditions as the State Government may approve.

(3) Every lease made under this section shall imply a condition of re-entry if at any time after the making or renewal thereof, it is proved to the satisfaction of the State Government that the lessee has practically discontinued the working of the aerial ropeway so leased or of any part thereof for a period of one month without a reason sufficient in the opinion of the State Government to warrant the discontinuance.

(4) Any person to whom any right of the promoter is let by a lease under sub-section (1) or (2) shall furnish the local authority with security for such amount as the local authority may determine for the due fulfilment of the conditions of the lease.

(5) Any person to whom any right of the promoter is let under sub-section (1) or (2) shall not exercise such right except in accordance with the conditions of the lease and the provisions of this Act and the rules and in the case of a contravention of any of the provisions of this Act or the rules he shall be subject to the same liability as a promoter.

Review and Revision.

Review of
orders
under
section 10
or 21.

28. (1) When any person is aggrieved by an order made under section 10 or under section 21, such person, on payment of the prescribed fees, may within thirty days of the said order, apply to the State Government for review of the same, and the State Government shall then take the advice of the Advisory Board in the prescribed manner and shall consider such advice and pass such orders in the matter as the State Government may think to be just and proper.

(2) With a view to enabling the Board to tender their advice under sub-section (1) the Board, with the consent of the State Government and on payment of such further fees as may be prescribed, may make such further inquiry into the matter as the Board may consider to be necessary.

Orders of
Collector
subject to
revision by
State
Government.

29. No suit shall lie, in respect of any matter referred to in the proviso to sub-section (1) or sub-section (2) of section 15, section 16 or sub-section (1) of section 17, but every order made by the Collector under any of those sections, and every award made by him under sub-section (2) of section 17 shall be subject to revision by the State Government except in the case of an award of compensation made by the Collector on account of action taken under clause (b) or (c) of sub-section (1) of section 15, which award shall be subject to revision by a Judge of the City Civil Court in Greater Bombay and elsewhere by the District Judge.

CHAPTER IV.

PRIVATE AERIAL ROPEWAYS FOR CERTAIN PURPOSES.

30. (1) Where the State Government is satisfied that the construction, extension, working or management of an aerial ropeway for private traffic is likely to prove useful to the public by reason of its facilitating the transport of commodities, in general use or is required for the conservation or supply of such commodities and where the intending promoter of such ropeway is desirous of obtaining any land for the purpose of such construction, extension, working or management, the State Government may, on the application of such promoter, acquire on his behalf such land under the provisions of any enactment for the time being in force for the acquisition of land for public purposes or procure the temporary occupation of the same under the provisions of Part VI of the Land Acquisition Act, 1894, whether the said intending promoter is or is not a company as defined in that Act.

I of
1894.

Application
for
acquisition
of land in
case of
certain
private
aerial
ropeways.

(2) The State Government shall, by notification in the *Official Gazette*, declare the commodities which shall be deemed to be commodities in general use for the purposes of sub-section (1).

Explanation.—For the purposes of this Act, if a promoter is not a company within the meaning of the Indian Companies Act, 1913, or a local authority, such promoter shall be deemed to be a company and the provisions of Part VII of the Land Acquisition Act, 1894, shall *mutatis mutandis* apply to the acquisition of immovable property on his behalf.

VII
of
1913.
I of
1894.

31. (1) No order shall be made by the State Government under sub-section (1) of section 30 until an inquiry has been held as hereinafter provided and the intending promoter has entered into an agreement with the State Government in respect of the matters mentioned in sub-section (4).

(2) Such inquiry shall be held by such officer and at such time and place as the State Government shall appoint.

(3) Such officer may summon and enforce the attendance of witnesses and compel the production of documents by the same means and, as far as possible in the same manner as is provided by the Code of Civil Procedure, 1908, in the case of civil court.

V of
1908.

(4) Such officer shall report to the State Government the result of the inquiry, and if the State Government is satisfied that the aerial ropeway is or is likely to be useful to the public, it shall, subject to the rules, require the intending promoter to enter into an agreement with the State Government providing to the satisfaction of the State Government for the following matters, namely :—

(a) the terms on which the aerial ropeway shall be held by the promoter ;

(b) the time within which, and the conditions on which, the aerial ropeway shall be constructed, maintained and used.

(5) Every such agreement shall, as soon as may be after its execution, be published in the *Official Gazette*.

Temporary
occupation
of land in
case of
private
aerial
ropeway.

32. If land is to be occupied temporarily in accordance with the provisions of sub-section (1) of section 30 on behalf of the promoter of an aerial ropeway for private traffic, and if the State Government, on the application of the promoter, so directs, then the provisions of Part VI of the Land Acquisition Act, 1894, shall apply to such occupation, subject to the provisions that, notwithstanding anything contained in section 36 of the Land Acquisition Act, 1894, the occupation and use by the promoter of the land occupied shall continue for such period, not exceeding ten years, as the State Government may fix, and that the compensation payable to the persons interested in such land shall be fixed with due regard to any additional loss or inconvenience caused to them by reason of such period of occupation, including loss caused by the interruption of the getting of minerals by reason of such occupation.

I of
1894.
I of
1894.

CHAPTER V.

OFFENCES, PENALTIES AND ARREST.

Failure of
person or
promoter to
comply with
Act.

33. (1) If any person constructs, opens, maintains or works any aerial ropeway, in contravention of the provisions of section 5, or

(2) if any promoter of an aerial ropeway for public traffic—

(a) constructs or maintains an aerial ropeway otherwise than in accordance with the provisions of an order made under section 10, or

(b) fails to comply with the provisions of section 13, or

(c) opens an aerial ropeway or permits it to be opened in contravention of any of the provisions of section 14, or

(d) fails to pay within a reasonable time any compensation awarded under section 15, 16, 17 or 29, or

(e) contravenes any of the provisions of section 19, or

(f) fails to send notice of any accident as required by section 20, or

(g) fails to close an aerial ropeway in accordance with an order passed under sub-section (1) of section 21, or re-opens any aerial ropeway in contravention of sub-section (2) of that section, or

(h) continues to exercise the powers of a promoter in respect of any aerial ropeway, in contravention of the provisions of section 22 or section 26, or

(i) fails to comply with the provisions of section 38, or

(j) contravenes any of the provisions of section 39, or

(k) contravenes the provisions of any rule made under section 45,

such person or the promoter, as the case may be, shall, without prejudice to the enforcement of specific performance of the requirements of this Act, or of any other remedy, which may be obtained against him, on conviction, be punished with fine which may extend to two hundred rupees and, in the case of a continuing offence, to a further fine which may extend in the case of an offence specified in sub-clause (d), (e), (f), (i), (j) or (k) of clause (2) to fifty rupees, and in the case of an offence specified in clause (1) or sub-clause (a), (b), (c), (g) or (h) of clause (2) to one thousand rupees for every day after the first conviction during which the offence continues to be committed.

34. If any person without lawful excuse, the burden of proving which shall be upon him, wilfully obstructs any person acting under the authority of the promoter in the lawful exercise of his powers in constructing, maintaining, altering, repairing, using or working an aerial ropeway, or destroys any mark made for the purpose of setting out the line or route of such ropeway, he shall, on conviction, be punished with fine which may extend to two hundred rupees.

Unlawfully obstructing promoter or lessee in exercise of his powers.

35. If any person without lawful excuse, the burden of proving which shall be upon him, wilfully does any of the following things, namely :—

Unlawfully interfering with aerial ropeway.

(a) interferes with, removes or alters any part of an aerial ropeway or of the works connected therewith,

(b) does anything in such a manner as to obstruct any carrier travelling on an aerial ropeway,

(c) attempts to do or abets within the meaning of the Indian Penal Code, the doing of anything mentioned in clause (a) or clause (b),

he shall, without prejudice to any other remedy which may be obtained against him in a Court, on conviction, be punished with fine which may extend to two hundred rupees.

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of
1860

36. If any person does anything mentioned in clause (a), (b) or (c) of section 35 or does, attempts to do, or abets, within the meaning of the Indian Penal Code, the doing of any other act or thing in relation to an aerial ropeway with intent or with knowledge that he is likely to endanger the safety of any person travelling or being upon the aerial ropeway, he shall, on conviction, be punished with imprisonment for a term which may extend to fourteen years.

Maliciously doing, abetting or attempting to do, acts endangering safety of persons travelling or being upon ropeway.

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of
1860.

37. (1) If any person commits any offence punishable under section 35 or 36 such person may be arrested without warrant or other written authority by any servant of the promoter or by any police officer or by any other person whom such servant or officer may call to his aid.

Arrest for offences against certain sections.

(2) Where any such servant or any other person arrests any person under sub-section (1), he shall make over the person so arrested to a police officer or in the absence of a police officer take such person or cause him to be taken in custody to the nearest police station.

(3) No person arrested under sub-section (1) shall be detained in custody for a longer period than under all the circumstances of the case is reasonable and such period shall not, in the absence of a special order of a Magistrate exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.

CHAPTER VI.

MISCELLANEOUS.

38. A promoter of an aerial ropeway for public traffic shall, in respect of such ropeway, submit to the State Government returns of capital, receipts and traffic at such intervals and in such forms as may be prescribed.

Returns.

Protection of roads, railways, tramways and water-ways.

39. No promoter of an aerial ropeway shall, in the course of the construction, repair, working or management of such ropeway, cause any permanent injury to any public road, railway, tramway or waterway, or obstruct or interfere with, otherwise than temporarily, as may be necessary, the traffic on any public road, railway, tramway or waterway.

Acquisition of land by promoter.

40. The State Government may, if it thinks fit, on the application of any promoter of an aerial ropeway for public traffic desirous of obtaining any land for the purpose of constructing, working or managing such ropeway, direct that he may, subject to the provisions of this Act, acquire such land under the provisions of the Land Acquisition Act, 1894, in the same manner and on the same conditions as it might be acquired if the promoter were a company. I of 1894.

Limitation of claims for damage to animals or goods.

41. No person shall be entitled to a refund of an overcharge in respect of animals or goods carried by an aerial ropeway for public traffic or to compensation for the loss, destruction or deterioration of animals or goods delivered to be so carried, unless his claim to the refund or compensation has been preferred in writing by him or on his behalf to the promoter within six months from the date of the delivery of the animals or goods for carriage by the aerial ropeway.

Application of Act to certain private aerial ropeways.

42. (1) Sections 1, 2, 4, 5, 13, 14, 15, 16, 17 and 20, sub-section (1) of section 21, and sub-clauses (b), (f), (g), (j) and (k) of clause (2) of section 33, sections 36, 37 and 39 and sub-sections (1) and (3) and clauses (a), (d), (e), (g), (h), (j), (m) and (o) of sub-section (2) of section 45 shall also apply to the private aerial ropeways constructed for the purposes referred to in section 30 :

Provided that, in the application of section 17 to any such ropeway, for the words and figures "the issue of an order under section 10" the words, figures and brackets "the issue of a notification for the acquisition of, or an order for the temporary occupation of land in accordance with the provisions of sub-section (1) of section 30", shall be deemed to be substituted.

(2) The State Government, on the application of the promoter or otherwise may declare that the provisions of section 30 and of sub-section (1) of this section shall apply to any aerial ropeway, or class of aerial ropeways, for private traffic.

Inspectors, officers and servants to be public servants.

43. The Inspectors and all officers and servants appointed under section 4 shall be deemed to be public servants within the meaning of section 21 of the Indian Penal-Code. XLV of 1860.

Protection of persons acting in good faith under this Act.

44. No suit or other proceeding shall lie against the State Government or any person for anything which is in good faith done or intended to be done under this Act or the rules.

Power of State Government to make rules

45. (1) The State Government may, subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for the following matters :—

(a) powers of Inspectors under section 4 ;

(b) the payment of money or lodging of securities, by way of deposit, by the intending promoter before an order is published under sub-section (2) of

section 10 ; the investment of money so paid ; the disposal of interest or dividends from time to time accruing due on money or securities so paid, lodged or invested ; the application of the money or securities or the interest or dividend thereon for discharging of any liabilities incurred by the promoter ; and the forfeiture, repayment or return of the money or securities ;

(c) the plans and sections of any works to be deposited by the intending promoters in respect of an order under section 10 ;

(d) rules for the purposes of section 14 relating to the safe and efficient working of an aerial ropeway including—

(i) the regulation of the use of steam power or any other mechanical power or electrical power on a ropeway,

(ii) the standard dimensions and specifications with which the aerial ropeway shall conform,

(iii) the rate of speed at which carriers are to be moved or propelled,

(iv) the goods which shall be deemed to be dangerous or offensive goods, and the carriage of such goods by aerial ropeway,

(v) the maximum number of passengers and animals, and the minimum weight of goods to be carried in each carrier of an aerial ropeway,

(vi) the conduct of the promoter's servants, and

(vii) the terms and conditions on which the promoter shall warehouse or retain goods at any station on behalf of the consignee or owner of such goods ;

(e) the conditions under which and the manner in which the powers conferred on promoters by sub-section (1) of section 15 and sub-section (1) of section 16 may be exercised ;

(f) the maximum and minimum rates to be prescribed under section 18 and section 27 ;

(g) the accidents of which notices shall be given to the State Government and to the Inspector under clause (c) of section 20 and duties of the promoter's servants, police officers, and Magistrates on accidents reported under that section ;

(h) the procedure for the disposal of applications under sub-section (2) of section 21 to re-open an aerial ropeway for public traffic or part thereof and the conditions under which such ropeway may be re-opened ;

(i) the method of arbitration for the settlement of disputes under section 24 ;

(j) the procedure for filing, hearing and disposing of applications for revision under this Act, and the manner in which the advice of the Advisory Board may be taken under section 28 ;

(k) the intervals at which and the form in which returns shall be submitted under section 38 ;

(l) the preparation, submission and auditing of the accounts of the promoter ;

(m) the manner in which notices under this Act shall be served ;

(n) the manner in which, and the conditions under which the through booking of goods may be permitted between an aerial ropeway and a railway, tramway, or another aerial ropeway ;

(o) the fees to be charged to promoters and other persons in respect of applications, inquiries, inspection, and services rendered under this Act ; and

(p) any other matter which is or to be prescribed under this Act.

(3) All rules made under this section shall be published in the *Official Gazette*.

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